

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

July 25, 2002

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, July 25, 2002, at 12:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Jerry Michaelis, Chair; Bud Hentzen, Vice-Chair; Ron Marnell; Don Anderson; Bill Johnson; Harold Warner; Frank Garofalo; Ray Warren; Kerry Coulter; James Barfield; David Wells and Elizabeth Bishop. Dorman Blake and John McKay, Jr. were not present. Staff members present were: Marvin S. Krout, Secretary; Dale Miller, Assistant Secretary; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Donna Goltry, Principal Planner; Jess McNeely Associate Planner; Jamsheed Mehta, Chief Planner, Transportation Planning and Rose Simmering, Recording Secretary.

1. Access Management Policy, presentation by Scott Logan, Traffic Engineering.



**INTEROFFICE
MEMORANDUM**

TO: MAPC Members
FROM: Scott Logan, City Traffic Engineer
SUBJECT: Access Management Policy
DATE: July 25, 2002

Please find the attached proposed "Access Management Policy for Wichita/Sedgwick County" that will be presented at the next July 25 MAPC meeting for your endorsement. This policy will provide new access guidelines for arterial streets that apply to new subdivisions, site plans, and new building permits that will generate additional traffic due to expansion or change in use. The process to formulate these comprehensive access management standards was initiated in 2001 by contracting with the TranSystems Corporation to draft an Access Management Policy that outlined general guidelines used within the industry. An effort was then made to review these standards by conducting a series of meetings with the Area Builders Association, design engineers, realtors, and internal staff members to adapt them for use within the community. As part of this review process, an Access Management Task Force was formed to discuss the draft policy guidelines which was vital to create an effective policy. The members of this task force and the meetings held to discuss the policy are provided on the attached sheet.

Since this proposed Access Management Policy has been endorsed by the Task Force in May, additional review and public input steps for this policy have been made. These include the following events.

- District Advisory Boards reviews (June 3 - 5)
- City Council Workshop (June 11)
- County Commission Workshop (July 2)

Subject to the review and endorsement by MAPC, the schedule calls for presenting this proposed policy to the City Council and County Commissioners in September for their adoption.

2. Approval of the MAPC minutes for July 11, 2002.

MOTION: That the minutes for July 11, 2002 be approved.

HENTZEN moved, **WARNER** seconded the motion, and it carried (11-0).

3. Public agenda: Sam Luinstra has requested to address the MAPC.

SAM LUNISTRA, 1102 N. Gow: I built my house out there in 1948, and I am still there. I am here in the name of common sense. The difference between these two packages of rocks is the reason I have come here today. This is just common sense. What do you see that is different in those two rocks?

MICHAELIS The size.

LUINSTRA I can tell you what the difference is, it is jail time. I am asking you people to approve the smaller size of rock for driveways, and that is what I am asking for. At this time, the smaller rock is not acceptable.

MICHAELIS I will defer to Mr. Krout. Do we have the authority to do this?

KROUT We have a conflict with Central Inspection, and they were not able to have a representative here today. You don't have the authority today to do anything about this issue. The issue has to do with what is the definition of an all-weather surface drive? You can have a non-paved surface, but it has to be what Central Inspection interprets as an all-weather drive when used for one- to four-family dwelling unit developments on driveways and parking. They have had for a long time an administrative policy that the rocks have to be a certain average minimum size in order for it not to create as much dust, and to hold up and not to find its way down into the gutters and into the storm water systems, and get dragged out into the street. By history and practice, this is what they have come up with. I think there are a couple of ways that the speaker could go with this legally. One, he could file an "Appeal" to the Board of Zoning Appeals, and you could say that Central Inspection was wrong in their interpretation in what is an all-weather surface. Or you could ask the Planning Commission to call a hearing to consider amending the "Zoning Code" to be more specific about what constitutes an all-weather surface. Then you and Central Inspection can have a debate about what should constitute an all-weather surface; what kind of rocks will be acceptable or not acceptable, because it is not specific in the Code right now.

So he could go through the Board of Zoning Appeals or ask you to have a public hearing process, advertise this in the newspaper, provide notice, and have you consider if you should make recommendations to clarify what all-weather surface pavement means.

MICHAELIS What is going on here?

WARREN Have you been cited by OCI? Have you applied this finer rock to a driveway?

LUINSTRA I choose this smaller rock because there was maybe a dozen or fifteen kids out there. The reason I got the smaller rock is because you have all taken a trip, and stopped, and the first thing the kid does is pick-up a rock and throw it. If we use a smaller rock, that won't be necessary. If we use a larger rock, the kids will pick it up and throw it, and you will have the cars dented and windows etc. On this particular place, I replaced five windows.

WARREN That did not answer my question. When you did this, you applied this rock. Did somebody from the City or County come out and cite you as a violation?

LUINSTRA I got notice to surface the driveway.

WARREN What did that mean?

LUINSTRA I had rock on it already, so I just got more rock and put on it. When I called for it, I said I wanted a product that the kids could not pick-up and throw.

WARREN What was the result of that? You say you can go to jail, but I am not sure anybody has charged you with anything.

LUINSTRA I did jail time April 30th.

WARREN You did jail time?

LUINSTRA Absolutely.

MICHAELIS Sir, were you sent to jail over this size of rock that you put on your driveway?

LUINSTRA Yes.

MICHAELIS So you were given a ticket by Central Inspection?

LUINSTRA I had a house, and I had deficiency on it, and everything got taken care of except the rock. Let me take this further. There is a particular Inspector that has been on my butt for four years, so I call it harassment.

MICHAELIS But as a result of that, you were issued a ticket for being in violation of the driveway?

LUINSTRA I appeared in front of the judge to clear all of the violations that I had on the house.

MICHAELIS So you refused to take care of the rock. So you were put in jail?

ANDERSON I have known Mr. Luinstra for many years. Are these rental properties that you are talking about?

LUINSTRA Yes, they are rental properties.

ANDERSON I think that probably what we should do is ask the City Manager or Central Inspection to have a discussion with Mr. Luinstra in terms of how to deal with his problem. I think he has quite a few rental properties, and there are a lot of differences of how to operate those properties. So I think it might be advisable for us to refer this to Central Inspection, and let them work it out. I don't think this is in the Planning Commission's purview at all.

MICHAELIS I really think that it may be in our best interest, before we can do anything, to ask Central Inspection to appear at this next meeting. Maybe Kurt Schroeder and, if you could come back, we could discuss it at that point in time.

LUINSTRA Mine has already been taken care of with a larger rock. But I am here so someone else don't have to come up here.

WARREN I tend to agree. I have done a lot of this rock thing, and I have used a smaller rock because with women with high heels or women with little shoes, they tend to turn their ankles on these rocks. So we have gone to the smaller rock. I don't believe that we have a problem. I just can't imagine Central Inspection putting him in jail for this rock problem. I don't know what the other problems are.

BARFIELD Couldn't he appeal to Central Inspection for this public debt?

LUINSTRA Thank you very much.

MICHAELIS Do we want to pursue this any further? No, OK.

MARNELL arrives at 1:30 p.m.

4. Consideration of Subdivision Committee Recommendations

STRAHL Agenda Items 4-4 and 4-10 need to be heard after the zoning cases on the Agenda today.

MOTION: To approve items 4-1 through 4-13 with the exception of 4-4 and 4-10.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0).

4/1. SUB2002-00041 - Final Plat LIBERTY PARK ADDITION, located on the south side of 13th Street North and the east side of 135th Street West.

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City/County Engineering** needs to comment on the status of the applicant's drainage plan. **City Engineering has approved the drainage plan. A guarantee is required.**
- E. **The applicant shall guarantee paving of 13th Street North from Hickory Creek to Forestview including a left turn bay at Forestview. The applicant shall also guarantee construction of a left turn bay on 135th Street at Alderny Ct.**
- F. A street stub should be shown to the south for increased mobility when development occurs in this location.

The applicant has extended Liberty to the south line of the plat as requested.
- G. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- H. It is recommended that Reserves D and E be extended to the streets by access easements or by extensions of the Reserves between the lots to increase their accessibility and usefulness for all homeowners in the Addition

Pedestrian easements have been platted as requested.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities. This covenant shall also provide for the Homeowners' Association to maintain the "parking strip" located between this site's north property line and driving surface for 13th St. North.
- J. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- K. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant

runs with the land and is binding on future owners and assigns.

- L. The wall easement shall be referenced in the plat's text.
- M. The **City Fire Department/GIS** needs to comment on the plat's street names. **10th N. Ct. should be revised to 10th Ct. N.**
- N. For any lots with existing tree rows that may be impacted by the installation of utilities, it is recommended that 30-ft utility easements be platted in order to allow for the installation of the utilities without damage to such tree rows. **The applicant has agreed to plat an appropriate easement to avoid damage to the tree row.**
- O. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- P. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- R. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- W. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy has requested a dditional easements.**
- X. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0).

-
- 4/2. SUB2002-00050 – Final Plat – HERITAGE BAPTIST CHURCH ADDITION**, generally located on the northeast corner of 135th Street West and 13th Street North.
- A. In the event an annexation request is received from Liberty Park Addition to the south, the applicant for this plat shall apply for annexation to Wichita prior to this plat being forwarded to the City Council. Upon annexation, the property will be zoned SF-5, Single-Family Residential.
 - B. The applicant shall guarantee the extension of City water and sanitary sewer to serve the lots being platted. An outside-the-city water agreement shall be provided in the event annexation has not occurred.
 - C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
 - D. **County Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage reserve along the north line may be adjusted to line up with the final drainage plan.**
 - E. The plat proposes one access opening along 13th St. North and one access opening along 135th St. West. **County Engineering has approved the access controls. The plat's text shall delete "City of Wichita" and reference the "appropriate governing body".**
 - F. Access drives to structures in excess of 150 feet from the edge of the road are to be installed by the owner/builder and

accepted by the fire department prior to the issuance of the building permit. Said drives are to be installed according to fire department specifications (20 feet wide with applicable turnaround with an all-weather surface able to withstand the weight of heavy apparatus in inclement weather).

- G. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- H. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- I. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- J. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- K. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- L. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- M. Perimeter closure computations shall be submitted with the final plat tracing.
- N. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- O. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- P. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0).

- 4/3. **SUB2000-00065 – Final Plat – WOODS EDGE ADDITION**, generally located on the west side of 119th Street West and north of Central.
- A. **City Engineering** needs to comment on the need for any guarantees or easements. **Fees in lieu of assessment regarding sewer and water connections are required. In regards to the sewer connection for Lot 1, City Engineering has requested an off-site easement.**
 - B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
 - C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved. The 40-ft drainage easement should be platted as a drainage reserve.**
 - D. The plat proposes one access opening, a private street, along 119th St. West. **The Subdivision Committee has required that the north line of the private drive be in alignment with the south line of Lost Creek St across 119th Street.**

The access opening has been relocated as requested.
 - E. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall submit a covenant stating who is to own and maintain the reserves. **The Applicant has stated that the owner of Lot 1 will own and maintain the reserves.**
 - F. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
 - G. A covenant shall be submitted regarding the private street, which sets forth ownership and maintenance responsibilities.

- H. **GIS has requested that the private street be named W. Kenny or 119th Ct.**
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0).

-
- 4/5. **SUB2002-00067 – One-Step Final Plat – LYDIA LEIS ADDITION**, generally located north of 71st Street South and on the west side of 103rd Street West.
- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- B. The site is currently located within the Rural Water District No. 4. The applicant shall contact this water district to determine the ability of this property being platted to connect to their water line and submit a letter to MAPD and **County Code Enforcement** from the water district to that effect.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **County Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage plan is needed. A floodway reserve needs to be platted.**
- E. **County Engineering** needs to comment on the access controls. The plat proposes two access openings along 103rd St. West, including one joint opening between Lots 2 and 3. **Two openings have been approved. The opening for Lot 1 shall be located along the north property line.**
- F. The joint access opening shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.

- G. Access drives to any structures in excess of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications.
- a. Twenty feet of drivable surface designed to withstand the weight of fire apparatus in inclement weather needs to be provided the entire length of the access drive.
 - b. To meet fire department specifications, the surface needs to be an all-weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of four inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).
- H. On the final plat tracing, the MAPC signature block needs to reference "J.D. Michaelis, Chair".
- I. The signature line for the County Commissioners Chairman needs to reference "Ben Sciortino".
- J. The Applicant is advised that if platted, the building setbacks may be reduced to 25 feet to meet the 85-ft setback required from the centerline of County section line roads.
- K. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for all three lots. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width.
- L. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- M. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- T. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- U. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0).

4/6. **SUB2002-00064** – One-Step Final Plat – **SCHEER ADDITION**, generally located on the southwest corner of 23rd Street South and 383rd Street West.

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. Based on the lot size being platted, this approval must be for the use of septic systems for Lot 1.

- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **County Engineering** needs to comment on the access controls. The plat proposes complete access control along 383rd St. West, and two openings per lot along 23rd St. South. In accordance with the Subdivision Regulations, 150 feet of complete access control is required along 23rd St. South from the intersection. **County Engineering has requested 175 feet of complete access control from the intersection. One access opening per lot is approved.**
- D. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- E. The City Council certification needs to be deleted as this plat is located beyond three miles of the City of Wichita.
- F. The Applicant is advised that if platted, the building setbacks must be a minimum of 30 feet (RR standard) in addition to 85 feet from the centerline of perimeter streets to conform with the Zoning setback standard for County section line roads.
- G. The final plat tracing shall be submitted with a revised name as an Addition within Sedgwick County exists with the name "Scheer's Addition". It is recommended that a greater name distinction be created by adding a first initial.
- H. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Q. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- R. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0).

-
- 4/7. **SUB2002-00069 – One-Step Final Plat – WICHITA HEIGHTS HIGH SCHOOL ADDITION.** generally located on the southwest corner of 53rd Street North and Hillside.
- A. City water services are available from Park City. A petition for sewer services has previously been submitted.
 - B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
 - C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage easement or drainage reserve is requested. A drainage plan shall be provided to County Engineering for their review.**

- D. Four openings (which includes one service opening) shall be permitted along Hillside. 660 feet between openings is needed along 53rd St. North.
- E. The Applicant has provided a pipeline document which appears to indicate a required 50-ft setback from the pipeline located on the property. The applicant's agent shall determine if any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- F. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- G. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.
- H. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- I. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- J. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- K. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- L. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- M. Perimeter closure computations shall be submitted with the final plat tracing.
- N. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- O. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Southwestern Bell requests additional easements.**
- P. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0).

-
- 4/8. SUB2002-00070 – One-Step Final Plat – THE EXECUTIVE AT WHITE TAIL ADDITION**, generally located on the southeast corner of K-96 and 13th Street North.
- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. A drainage guarantee is also needed.
 - B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
 - C. As drainage will be directed onto K-96, a letter shall be provided from KDOT indicating their agreement to accept such drainage.
 - D. **Traffic Engineering** needs to comment on the access controls, particularly the need for a specific location for the access opening. The plat proposes one access opening along 13th St. North. Complete access control is required along K-96. Distances should be shown for all segments of access control. The final plat shall reference the dedication of access controls in the plat's text. **Traffic Engineering has approved one opening along 13th Street to be in alignment with one of the existing openings across 13th Street.**

- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- F. The applicant shall guarantee the installation of the private street to a public street standard. As a private improvements, such guarantee shall not be provided through the use of a petition. **The applicant stated that no private street will be platted. An access easement will be needed across Reserve A along with a cross-lot circulation agreement.**
- I. **Traffic Engineering** has requested a guarantee for decel lanes.
- J. Since this is a replat of a previous Addition involved with the ownership and maintenance of reserves for that Addition, but not being replatted by this Addition, the above covenants and/or other legal documents shall be provided which provides for this Addition to continue to share in the ownership and maintenance responsibilities of any such previously platted reserves.
- K. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities. This covenant shall also provide for the Homeowners' Association to maintain the "parking strip" located between this site's north property line and driving surface for 13th St. North.
- L. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- M. The wall easement shall be referenced in the plat's text.
- N. Since this is a City plat, approval will not be needed by the County Commission, and the County Commission signature block may be deleted.
- O. The Applicant has platted 0ft building setbacks which represents an adjustment of the Zoning Code standard of 20 feet for the LC, Limited Commercial District. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
- P. The owners noted in the platting binder need to be signatories to the plat, or a revision to the binder showing that the site's ownership is only in the party now shown on the final plat.
- Q. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- R. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.
- S. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- T. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- U. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- V. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- W. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- X. Perimeter closure computations shall be submitted with the final plat tracing.
- Y. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Z. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **Southwestern Bell has requested additional easements.**
- AA. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this

plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0).

4/9. **SUB2002-00071 – One-Step Final Plat – NORTHEAST ELEMENTARY SCHOOL ADDITION**, generally located on the southwest corner of Woodlawn Boulevard and 29th Street North.

- A. Municipal services are available to serve the site. **City Engineering** needs to comment on the need for guarantees or easements.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. The platting of minimum building elevations should be noted on the face of the plat and referenced in the plat's text.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage reserve is needed in the southwest corner of the site. An off-site drainage easement is also needed.**
- E. **Traffic Engineering** needs to comment on the access controls. The plat proposes four access openings along Woodlawn and three openings along 29th St. North. Distances should be shown for all segments of access control. **The first opening with full turning movements along Woodlawn shall align with Pepperwood Road across Woodlawn. Spacing shall be 400 feet between the two subsequent openings; however the southernmost opening shall be at least 400 feet from the existing opening on the adjacent property to the south. Two openings are permitted along 29th St. North. The first opening with full turning movements along 29th St. North shall be at least 400 feet from the intersection; the second opening shall align with the existing opening across 29th St.**
- F. **"Traffic Engineering has required a petition for left turns at the entrance from Woodlawn."**
Signalization may be required upon further review by the Traffic Engineer.
- G. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.
- H. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in stormwater runoffs.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.

- R. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Southwestern Bell requests additional easements.**
- S. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0).

4/9. SUB2002-00071 – One-Step Final Plat – NORTHEAST ELEMENTARY SCHOOL ADDITION, generally located on the southwest corner of Woodlawn Boulevard and 29th Street North.

- A. Municipal services are available to serve the site. **City Engineering** needs to comment on the need for guarantees or easements.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. The platting of minimum building elevations should be noted on the face of the plat and referenced in the platting text.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage reserve is needed in the southwest corner of the site. An off-site drainage easement is also needed.**
- E. **Traffic Engineering** needs to comment on the access controls. The plat proposes four access openings along Woodlawn and three openings along 29th St. North. Distances should be shown for all segments of access control. **The first opening with full turning movements along Woodlawn shall align with Pepperwood Road across Woodlawn. Spacing shall be 400 feet between the two subsequent openings; however the southernmost opening shall be at least 400 feet from the existing opening on the adjacent property to the south. Two openings are permitted along 29th St. North. The first opening with full turning movements along 29th St. North shall be at least 400 feet from the intersection; the second opening shall align with the existing opening across 29th St.**
- F. **"Traffic Engineering has required a petition for left turns at the entrance from Woodlawn." Signalization may be required upon further review by the Traffic Engineer.**
- G. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.
- H. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.

- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Southwestern Bell requests additional easements.
- S. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0).

4/11. DED2002-00019 – Dedication of Street Right-of-Way, from James Jaeger, for property generally located on the northwest corner of Salina and 31st Street North.

OWNER/APPLICANT: James Jaeger, 3201 N. Salina, Wichita, KS 67204

AGENT: Larry Warner, 7920 W. 21st Street, Suite 200, Wichita, KS 67205

LEGAL DESCRIPTION: The east 10 feet and the south 9.75 of Lot 36, together with the east 10 feet of Lot 37, except the north 108 feet, Timmermeyer Gardens Addition.

PURPOSE OF DEDICATION: This Dedication is a requirement of Lot Split No. SUB 2002-61 and is being dedicated for 10 feet of right-of-way along Salina and 9.75 feet of right-of-way along 31st Street North.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0). .

4/12. DED2002-00020 – Dedication of a Utility Easement, from James Jaeger, for property generally located on the northwest corner of Salina and 31st Street North.

OWNER/APPLICANT: James Jaeger, 3201 N. Salina, Wichita, KS 67204

AGENT: Larry Warner, 7920 W. 21st Street, Suite 200, Wichita, KS 67205

LEGAL DESCRIPTION: The west 2 feet of the east 155 feet and the west 2 feet of the east 173 feet of Lot 36, and the west 2 feet of the east 155 feet and the west 2 feet of the east 173 feet of Lot 37, except the north 108 feet, Timmermeyer Gardens Addition.

PURPOSE OF DEDICATION: This Dedication is a requirement of Lot Split No. SUB 2002-61 and is being dedicated for construction and maintenance of public utilities.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0).

4/13. DED2002-00021 – Dedication of a Utility Easement, from Antonela Padilla, generally located on the northwest corner of 25th Street and Bullinger.

OWNER/APPLICANT: Russell Relph, 3041 N. Ridgeport, Wichita, KS 67205

AGENT: Savoy Company, P.A., C/O Mark Savoy, 525 S. Emporia, Suite 104, Wichita, KS 67202

LEGAL DESCRIPTION: The west 10 feet of Lot 4 and the north 25 feet of the west 105 feet of Lot 4, Northridge Addition.

PURPOSE OF DEDICATION: This Dedication is a requirement of Lot Split No. SUB 2002-62 and is being dedicated for construction and maintenance of public utilities.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0).

5. **Vacation items**
Items 5-1 through 5-3 were taken in one motion.

MOTION: To approve Items 5-1 through 5-3.

ANDERSON moved, **WARREN** seconded the motion, and it carried (12-0).

5/1. VAC2002-00019 – Request to vacate a portion of a plat.

OWNER/APPLICANT: Socora Village Co

AGENT: PEC c/o Rob Hartman

LEGAL DESCRIPTION: Lots 11 –31, Block 8 & Lots 1-20, Block 10; the front 30-foot building setback lines on Lots 11 –31, Block 8 & Lots 1-19, Block 10; the side setback lines running parallel Oliver on Lot 11, Block 8 and Lot 19, Block 10; 28th Street North from the west right-of-way of Oliver Street to Pershing Avenue; Pershing Avenue from 28th Street North to the south line of Brooks Avenue; the 10-foot easement between Lots 14 & 15, 19 & 20, 24 & 25, & 28 & 29 of Block 8 and between Lots 15 & 16, 12 & 13, 11 & 12, 8 & 9, 4 & 5, of Block 10; the 16-foot easement between Lots 120, Block 10, all in the Greenbriar Manor Addition to Wichita, Sedgwick County, Kansas.

LOCATION: Southwest of the 29th Street North and Oliver intersection.

REASON FOR REQUEST: The applicant proposes to replat in the future.

CURRENT ZONING: Subject property is zoned SF-5 Single Family Residential (Lots 11-31, Block 8, Greenbriar Manor Addition), LC Limited Commercial (Lot 20, Block 10) and MF-29 Multi-Family Residential (Lots 1-19, Block 10, Greenbriar Manor Addition). Properties to the north are zoned LC Limited Commercial B Multi-Family and SF-5 Single Family Residential. Zoning to the south and west is SF-5 Single-Family Residential. Zoning to the east is SF-5 Single Family Residential and LC Limited Commercial.

The applicant proposes to vacate a portion of the Greenbriar Manor Addition, per the legal description. The Greenbriar Manor Addition was recorded February 8, 1960. This portion of the subdivision is not developed. The vacation request includes:

- (1) Lots 1-19, Block 10 (along the north side of 28th Street North & the east side of Pershing Avenue, zoned MF-29), Lot 20, Block 10 (approximately 11 acres on the southwest corner of Oliver and 29th Street North and zoned is LC) and Lots 11-31, Block 8 (along the south side of 28th Street North & west the side of Pershing Avenue, zoned SF-5).
- (2) 10-foot utility easements in the side between Lots 14 & 15, 19 & 20, 24 & 25, & 28 & 29 of Block 8 and between Lots 15 & 16, 12 & 13, 11 & 12, 8 & 9, 4 & 5, of Block 10.
- (3) 16-foot utility easement between Lots 1-20, Block 10.
- (4) The 30-foot front building setback line on Lots 1-19, Block 10 & Lots 11-31, Block 8, running parallel and adjacent to Pershing & 28th Street North.
- (5) The 15-foot building setback line on Lot 11, Block 8 & Lot 19, Block 10 running parallel and adjacent to Oliver.
- (6) 28th Street North and Pershing Avenue, as recorded on the plat; these roads are not developed.

The applicant proposes to replat in the future; considerations in the replat include:

- (a) Access to the southern portion of the vacated property as advised as being located a minimum of approximately 200-feet north of 27th Street North. All access to the property to be approved by the City Engineer.
 - (b) Any replat along Oliver frontage along this location after August of 2002 possibly will require 60-foot for ROW not the current 50-foot.
 - (c) Provide substitute easements of 20-foot to service all the replatted property.
 - (d) Vacated setbacks are replaced with current UZC setbacks.
- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time July 2, 2002, which was at least 20 days prior to this public hearing.
2. That private rights will not be injured or endangered by the vacation of the above-described portion of the plat (Greenbriar Manor Addition as recorded February 8, 1960) and the public will not suffer loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be approved.

B. Therefore, the vacation of the portion of plat (Greenbriar Manor Addition as recorded February 8, 1960) described in the petition should be approved subject to the following conditions:

- (1) The 40-foot Jayhawk pipeline easement (dedicated by separate instrument) running northwest to southeast through this portion of the subdivision will remain in effect.
- (2) The 23-foot utility & drainage easement in the rear yards of Lots 18-31, Block 8 will remain in effect.
- (3) Retain the 8-foot of a 16-ft easement in the rear yard of Lots 11-18, Block 8 and upon the time of the replat increase the easement to 10-feet.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (5) All improvements shall be according to City Standards

MOTION: To approve, subject to staff comments and citing the findings in their report.

ANDERSON moved, **WARREN** seconded the motion, and it carried (12-0).

5/2. VAC2002-00023 – Request to vacate sanitary sewer easements.

OWNER/APPLICANT: City of Wichita c/o Water & Sewer Department

LEGAL DESCRIPTION: Sanitary Sewer easements as dedicated and recorded by separate instrument on Lots 3, 4, 5, 6 & 7, Block 1, Lots 3 & 6, Block 5, and Lots 2, 3, 9, & 10, Block 6, Brookhaven Estates

LOCATION: Northwest of the 159th Street East and Central intersection.

REASON FOR REQUEST: The easements are no longer needed.

CURRENT ZONING: Subject properties are zoned SF-5 Single Family Residential. Properties to the north, south, east and west are zoned SF-5 Single Family Residential.

The applicant proposes to vacate sewer easement that was dedicated and recorded by separate instrument as acquired by Sedgwick County for a sewer project in this far east subdivision that borders Butler County on its east side. The City took over the project and redesigned the project. Sewer line is now in the right-of-way. There is no current or future need for these easements.

Planning Staff recommends the vacation request.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time July 2, 2002, which was at least 20 days prior to this public hearing.
2. That private rights will not be injured or endangered by the vacation of the above-described sanitary sewer easements as recorded by separate instruments and the public will not suffer loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be approved.

B. Therefore, the vacation of the portion of the sanitary sewer easement described in the petition should be approved subject to the following conditions:

- (1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (2) All improvements shall be according to City Standards

MOTION: To approve, subject to staff comments and citing the findings in their report.

ANDERSON moved, **WARREN** seconded the motion, and it carried (12-0).

5/3. **VAC2002-00024 – Request to vacate a platted temporary 35-foot building setback line.**

OWNER/APPLICANT: Robert Richardson

LEGAL DESCRIPTION: 35-foot temporary setback on Lots 9, Eck 6th Addition, per attached legal description.

LOCATION: Southeast of the 183rd Street West and 4th Street North intersection, in the County.

REASON FOR REQUEST: Encroachment of footing into setback.

CURRENT ZONING: Subject property and adjacent properties are zoned RR Rural Residential.

The applicant proposes to vacate a portion of a temporary setback that has a footing for a storage shed encroaching. The encroachment is approximately 17-foot (x) 20-foot triangular shaped section of the footing for a 32-foot (x) 48-foot shed. The temporary setback runs parallel and adjacent to temporary cul-de-sac. There is a 20-foot utility – drainage easement within the temporary setback. County Code Enforcement has indicated the encroachment is out of the easement. Sedgwick County Fire Department upon inspection of the site determined there was no encroachment into the temporary-cul-de-sac.

Planning Staff recommends the vacation request.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time July 2, 2002, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described portion of the 35-foot temporary setback as recorded on Lot 9, Eck 6th Addition and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of the 35-foot temporary setback described in the petition should be approved subject to the following conditions:
- (1) Vacate only that portion of the temporary setback as described in the legal description, which is an approximately 17-foot (x) 20-foot triangular shaped section
 - (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
 - (3) All improvements shall be according to County Standards

MOTION: To approve, subject to staff comments and citing the findings in their report.

ANDERSON moved, **WARREN** seconded the motion, and it carried (12-0).

MICHAELIS I am going to try and do some house keeping here. Is anyone here to speak on 6a or 6b, Item 7 has been deferred.

7. **CON2002-00034 Deferred at the request of the applicant.**

9. **ZON2002-00040** Twenty First Growth LLC/Tim Buchanan request a Sedgwick County Zone change from "SF-20" Single-Family Residential to "GO" General Office on property described as;

A tract of land lying in the Southwest Quarter, Section 2, Township 27 South, Range 2 East of the 6th Principal Meridian, City of Wichita, Sedgwick County, Kansas; more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; thence along the South line of said Southwest Quarter on a NAD88 Kansas South Zone Grid Bearing of North 88 degrees 33'26" East, 997.00 feet, thence parallel with the West line of said Southwest Quarter North 00 degrees 38'30" West, 60.00 feet to the POINT OF BEGINNING; thence continuing North 00 degrees 38'30" West, 231.28 feet; thence North 88 degrees 33'26" East, 400.00 feet; thence South 00 degrees 38'30" East, 231.28 feet to a point lying 60.00 feet North of said South line; thence South 88 degrees 33'26" West, 400.00 feet to the POINT OF BEGINNING. Generally located North of 21st Street North, and east of 127th Street East, approximately 1,000 feet east of the northeast corner.

BACKGROUND: The applicant is requesting "GO" General Office zoning on 2.1 acres of unplatted ground located north of 21st Street North and approximately 1,000 feet east of 127th Street East. The site is currently used for agricultural purposes, and is part of a 160 acre ownership that is being master planned for a variety of uses. In fact, a preliminary plat – Hawthorne Addition – covering the entire quarter-section, of which the application area is a part, has been submitted for review. The Subdivision Committee has approved the Hawthorne Addition preliminary plat. (The application area appears to be Lot 9, Block 10, and part of Reserve I. Reserve I is set aside for drainage, sidewalks, landscaping, irrigation, berming, monuments and open space.)

Based upon the design of the preliminary plat, the property immediately west of the application area is scheduled to be Reserve H and a portion of Reserve G. Reserve G is to be set aside for drainage, open space and other neighborhood amenities. Reserve H is proposed to be a private roadway. Property further to the west has been approved for commercial development as the TwentyFirst Growth CUP, subject to platting. Property to the east of the application area is shown on the preliminary plat to be Reserve I. Land to the north of the application area is slated for ½ acre or larger residential lots and Reserve I.

Property adjoining the application area to the north, east and west is zoned SF-20, Single-family Residential. Property south of 21st Street is SF-20, Single-family or SF-5 Single-family, approved for LC Limited Commercial use as part of the Reed Commercial CUP, subject to platting.

All the properties surrounding the application area are currently vacant.

Access to the site would be provided by Reserve H that is scheduled to contain Peckham Circle, a private drive. No direct access would be provided to 21st Street.

If the site were to be developed at 30 percent of its area (27,634 square feet), an office use would generate an estimated 304 vehicles per day.

The "GO" district allows for a pole sign of 32 square feet on a single tenant zoning lot. Multiple tenant lots can have up to 92 square feet. Heights up to 22 feet are permitted. Building signage up to 32 square feet up to heights of 30 feet per building elevation are permitted.

The site will have to be developed in compliance with code required buffering, landscaping and screening.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: SF-20, Single-family Residential; vacant
SOUTH: SF-20, Single-family Residential and "LC" Limited Commercial; vacant
EAST: SF-20, Single-family Residential; vacant
WEST: SF-20, Single-family Residential; vacant

PUBLIC SERVICES: 21st Street is currently an improved two lane arterial street. The 2030 Transportation Plan projects 28,446 ADT and depicts 21st Street as a 5-lane arterial. Year 2000 traffic counts for 21st Street at this location are 7,858. The County CIP depicts a widening project for some time in the future. Right-of-way acquisition is scheduled for 2006. Public water is available. Sewer service will have to be extended either through the city's main plant or to the Four-Mile Creek plant.

CONFORMANCE TO PLANS/POLICIES: The site is located within the "Wichita Land Use Guide's" 2010 Urban Service Area. The recommended land use guide did not anticipate office development at this location, however office use is an appropriate buffer between commercial and residential uses. "Office Location Guidelines" indicate that offices should be located adjacent to arterial streets and they should be incorporated within or adjacent to neighborhood and community uses at an appropriate scale.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED. The approval should apply either to a smaller area that corresponds to the boundary of Lot 9 of the proposed plat or Lot 9 should be modified to match the legal description of the legal description provided with this zone change request. The recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. All surrounding properties are currently vacant, and zoned SF-20 Single-family or SF-5 Single-family, approved for LC Limited Commercial. The 127th Street and 21st Street area is becoming the focus of new development activity as sewer and water services have become available, and since 21st Street has been improved.
2. The suitability of the subject property for the uses to which it has been restricted. The site is currently zoned SF-20 which allows a lower density of development and has fewer uses "by-right" than the district requested. The property could be developed as zoned, however more intense urban type zoning has been sought and approved for nearby tracts. Office zoning is an appropriate buffer zoning district and may be more desirable given the site's 21st Street frontage.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Intensity of use and traffic volumes will increase over current conditions if the request is approved. However, all property located north, east and west of the application area are owned by the applicant, and are part of a master plan for the entire quarter-section.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The site is located within the "Wichita Land Use Guide's" 2010 Urban Service Area. The recommended land use guide did not anticipate office development at this location, however office use is an appropriate buffer between commercial and residential uses.

"Office Location Guidelines" indicate that offices should be located adjacent to arterial streets and they should be incorporated within or adjacent to neighborhood and community uses at an appropriate scale.

5. Impact of the proposed development on community facilities: Traffic will increase, and there will be increase demand for municipal type services over the vacant field that exists today. However, already planned improvements, or those obtained during the platting process, will address these additional needs.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MICHAELIS moved, **HENTZEN** seconded the motion, and it carried (11-0).

10. **ZON2002-00037** Mark Springs (owner/applicant); Terra Tech Land Surveying, Inc. c/o Michelle Webster (agent) request a Sedgwick County Zone change from "SF-20" Single-Family Residential to "LI" Limited Industrial on property described as;

Parcel 1:

The East 146 feet of the West 428 feet of the South 255.15 feet of the North 1741.08 feet of the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas.

Parcel 2:

The 84.15 feet of the West 512.15 feet of the south 255.15 feet of the North 1741.08 feet of the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas. Generally located Approximately 1,000 feet north of MacArthur and east of West Street.

BACKGROUND: The applicant requests a zone change from "SF-20" Single-Family Residential to "LI" Limited Industrial on a 1.4 acre unplatted tract located approximately 1,000 feet north of MacArthur on the east side of West Street. The subject property is currently used illegally to store pawned vehicles for the applicant's pawn shop located on property zoned "GC" General Commercial that is immediately west of the subject property. The applicant has requested the zone change to make the current use of the subject property legal.

The surrounding area is characterized primarily by industrial uses; although, there are institutional, single-family, and agricultural uses immediately adjacent to the subject property. The property to the south is zoned "SF-20" Single-Family Residential and is developed with a church. The properties to the west are zoned "SF-20" Single-Family Residential and "GC" General Commercial are developed with a single-family residence and the applicant's pawn shop, respectively. The properties to the north and east are zoned "SF-20" Single Family Residential and are used for agriculture.

Since the surrounding properties have residential zoning, screening will be required along the north, east, and south property lines and a portion of the west property line. The compatibility setback standards will require a 25-foot building setback along the north, east, and south property lines and a portion of the west property line unless a Zoning Adjustment is granted by the Planning Director and Zoning Administrator to reduce or waive the compatibility setback.

CASE HISTORY: The subject property is in the process of being platted as the Erin Springs Addition, which was approved as a preliminary plat by the Subdivision Committee on June 27, 2002.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Agriculture
SOUTH:	"SF-20"	Church
EAST:	"SF-20"	Agriculture
WEST:	"SF-20" & "GC"	Single-family residence and pawn shop

PUBLIC SERVICES: The subject property does not have street frontage. An access easement across the applicant's pawn shop property to West Street, a two-lane arterial street, was required for approval of the preliminary plat. Current traffic volumes on West Street are approximately 7,500 vehicles per day. The 2030 Transportation Plan recommends that West Street be improved to a four-lane arterial street and the Sedgwick County Capital Improvement Program contains a project to do so in 2006. Public water service is currently available to the subject property. A guarantee for the extension of sanitary sewer service and a restrictive covenant limiting the subject property to domestic uses until sanitary sewer service is extended were required for approval of the preliminary plat.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Industrial" development. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utility trunk lines, rail spurs, and airports. The subject property conforms with both the Land Use Guide and the Locational Guidelines.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting the subject property within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by industrial uses. Although the properties immediately adjacent to the subject property are developed with institutional, single-family, and

agricultural uses, this area has been identified as appropriate for industrial uses in City-County land use guides for over 40 years, and the properties along West Street have slowly converted from residential or agricultural to industrial use. The proposed "LI" Limited Industrial zoning is compatible with the zoning, uses, and character of the neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-20" Single-Family Residential, and was formerly used for residential purposes. Given the long-standing guidance provided by land use guides that this area should be developed with industrial uses, further residential development of the subject property would not be suitable and would be contrary to the community's goal of converting the area from residential to industrial use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on remaining residentially-zoned properties in the area should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code, which should limit noise, lighting, and other activity from adversely impacting these properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Industrial" development. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utility trunk lines, rail spurs, and airports. The subject property conforms with both the Land Use Guide and the Locational Guidelines.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MICHAELIS moved, **HENTZEN** seconded the motion, and it carried (11-0).

11. **CON2002-00028** Charlotte & Kerry Hansard request a Sedgwick County Conditional Use to allow Recreation and Entertainment outdoor on property described as;

PARCEL 1

The South 727 feet of the SE 1/4, of Sec. 14, Twp. 29-S, R-1-E, of the 6 th P.M., Sedgwick County, Kansas, except that part described as commencing at the N.W. Corner of said SE 1/4; thence south along the west line of said SE 1/4, 2383.2 feet for a place of beginning; thence east, parallel with the north line of said SE 1/4, 215 feet; thence south, parallel with the west line of said SE 1/4, 100 feet; thence east, parallel with the north line of said SE 1/4, 160 feet; thence south, parallel with the west line of said SE 1/4, 40 feet; thence east, parallel with the north line of said SE 1/4, 435 feet; thence south parallel with the west line of said SE 1/4, 151.75 feet to a point on the south line of said SE 1/4, thence west, along the south line of said SE 1/4, 810 feet to the S.W. corner of said SE 1/4, thence north, along the west line of said SE 1/4, 288.61 feet to the place of beginning. Generally located at the northeast corner of 95th Street South and Bluff.

BACKGROUND: The applicant is requesting consideration for a Conditional Use to allow "recreation and entertainment outdoors" on approximately 40.51 unplatted acres zoned "RR" Rural Residential. The property is located northeast of the 95th Street South – South Bluff intersection. The specific purpose of the request for a Conditional Use for "recreation and entertainment outdoors" is to develop a paintball field.

The subject property is in Sedgwick County and within the Derby Zoning Area of Influence. The site's current use is active agricultural on the western 2/3rd, while the eastern 1/3rd is a mixture of wild grasses and trees. The site and the surrounding area is zoned "RR" Rural Residential. The use of the adjacent properties north and south of the site and east of Bluff mirror the subject property's use; the western portions are active agricultural and eastern portions are wild grasses and trees. These eastern portions of the areas' properties abut the Arkansas River. The subject property ends approximately 450-feet from the river, separated from the river by another property. Most of the subject property is the 100-year flood plain as is most of the area east of Bluff. Large areas of the properties west of Bluff (and a small sliver of the site) all the way west to Hillside are in the 500-year flood plain.

The single family residential in the area is developed on a rural scale. The site has residences abutting it on the south side, less than 100-feet from Bluff. The applicant's home is the nearest residence on the north side. The nearest residence to the west is approximately ¼ mile away. Across the river to the east is the old Derby Dump. There is an El Paso Water Company Pump surrounding on three sides by the subject property off of Bluff.

Paintball is a recreational activity that involves players using a CO2 powered pistol to fire soft gelatin capsules at each other or targets. When the gelatin capsules hit the player or target, they burst, marking player or target with a water-soluble dye. The dye allows the player to see the hits. The manufacturer's information states the dye is 'nontoxic and safe for the environment'. According to the manufacturer's information the range of the pistols is generally a 200-foot maximum. The noise from the discharge is similar to CO2 pellet rifle. A player typically wears equipment to protect their eyes, ears and face.

The applicant has submitted a Site Plan showing the east 14 acres to be immediately used for Paintball. The Site Plan shows 6 fields within the 14 acres. A site inspection revealed different themes and development for each field. Basically development of the fields consists of scattering junked vehicles, junked farm equipment, or concrete culverts throughout the grasses and trees. The applicant currently has a portable chemical toilet and a large wall tent set up on the site. Parking is an unmarked grass area on the eastern 14 acres. Access to the eastern 14 acres is on a private dirt drive off of Bluff. The private dirt drive runs along the south side of the western portion of the property for approximately 1700-feet.

The applicant has stated the days of operation to be on weekends and the hours to be from 9 AM or 10AM –6:30 PM. The applicant anticipates approximately 30 people at a time using the facility. The applicant anticipates expanding into the western 26 acres when the business successfully establishes itself.

The most recent Conditional Use requests for Paintball Fields, have been CU-391 and CU-285. CU-391, a 15-acre site located southeast of Tyler and K-96, was approved with 16 conditions by the Maize Planning Commission and the MAPC in 1996. The Goddard Planning Commission and the MAPC denied CU-285, an 80-acre site located north of Maple and between 183rd Street West and 199th Street West, in 1985.

CASE HISTORY: The applicant was required to apply for a Conditional Use by Sedgwick County Code Enforcement after they had received a complaint about groups playing paintball on the subject property.

ADJACENT ZONING AND LAND USE:

NORTH:	'RR' Rural Residential	Agricultural – Scattered Residential
EAST:	'RR' Rural Residential	Agricultural – Arkansas River
SOUTH:	'RR' Rural Residential	Agricultural – Scattered Residential
WEST:	'RR' Rural Residential	Agricultural – El Paso Water Pump Station

PUBLIC SERVICES: At this location 95th Street South is an unimproved township road that ends at the Bluff Street intersection. South Bluff Street is an old asphalt township road that runs between 103rd Street South and Washington Road. Washington provides the nearest access across the Arkansas River and goes into Derby. The 2030 Transportation Plan shows no change in status for these roads. There are no traffic counts for this intersection. There is no water or sewer available for the site.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide identifies this property as 'Rural'. This category encompasses land outside the 30-year Wichita urban service boundary and the small city growth areas. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses and large lot residential subdivisions with provisions for future water and sewer. The Unified Zoning Code requires a Conditional Use for 'Entertainment and Recreation, Outdoor' in 'RR' and 'SF-20' residential zoning districts, plus the 'LC' non-residential zoning districts. When allowed as a Conditional Use, outdoor recreation and entertainment uses shall be limited to tennis courts, miniature golf courses and similar uses that the Planning Commission has determined will not produce undue noise or attract large numbers of spectators. The Unified Zoning Code list 6 conditions that 'Entertainment and Recreation, Outdoor' must comply with.

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the application be APPROVED, with the following conditions.

1. The Conditional Use shall be restricted a private recreation area for the playing of paintball games on the eastern 23 acres of the requested site. Only CO2 or nitrogen paintball pistols and the soft gelatin paint capsules fired from them will be used on the site. The proper head and face equipment will be used when playing. No firearms or pellet guns allowed on the site. A monitor or referee will be present at all times during the hours of operation. The referee or monitor shall have phone service available to them for emergency service calls. No overnight camping permitted on the site. The site will be kept free of all trash and other debris.
2. Hours of operation shall be between sunrise and 11:00 PM, with the allowances for limited use of lighting. No restrictions on the days of operation.
3. The private drive from Bluff to the site will be a minimum of 20-feet wide, surfaced with asphalt, asphalt millings, crushed gravel, or an all weather surface as recommended and approved by the Sedgwick County Fire Department. The drive shall end in a 70-foot cul-de-sac or a hammerhead, as approved by the Sedgwick County Fire Department. No parking allowed on the drive, cul-de-sac or hammerhead. The drive shall be maintained in good condition and free of all debris, weeds, trash and obstructions.
4. The parking lot shall be surfaced with asphalt, asphalt millings, crushed gravel, or an all weather surface as recommended and approved by the Sedgwick County Code Enforcement Department prior to operations commencing on the site. The parking lot shall have a minimum of 40 identified parking spaces. The drive shall be maintained in good condition and free of all debris, weeds, trash and obstructions. No parking of vehicles or trailers in the grass.
5. A maximum number of 200 people shall be allowed on the site at one time.
6. A minimum of two chemical portable toilets shall be provided, one for females and one for males. The applicant must provide proof of an ongoing maintenance contract for the removal of the waste from the site to the Sedgwick County Health Department. The disposal of solid waste shall be in accordance with Sedgwick County's Sanitation Codes.
7. The standard of a location contiguous to an arterial or expressway is hereby waived by the adoption of the resolution incorporating these conditions.
8. The noise standards of Sec. IV-B.4 shall be complied with.
9. No banners are permitted.

10. The applicant shall receive approval from the Sedgwick County Health department for any on site drinking water. The applicant shall receive approval from the Kansas Department of Health and Environment for any necessary permits for a drinking water as a community water supply if the demand exceeds 25 people for more than 60 days a year.
11. Alcoholic beverages are prohibited.
12. The private park shall comply with all the necessary fire prevention procedures and equipment as required by the Sedgwick County Fire Department.
13. If the private park for a paintball field ceases to operate, all equipment, or objects used in the paintball fields shall be removed from the site.
14. The gate installed at the entrance from Bluff Street will remain locked after operation hours.
15. A directional sign shall be installed at the Bluff Street entrance directing game participants to the site will be permitted. The sign can be a maximum of 12- square feet in size.
16. **The applicant shall submit a revised site plan showing the location of all equipment, objects, parking, bathroom facilities, trash receptacles, etc, prior to the publication of the resolution.**
17. No shooting in the direction of vehicles moving on Bluff Street is permitted within 1200-feet of Bluff. and a 50-foot setback shall be maintained along the perimeter of the site, with no operations or equipment allowed.
18. Prior to construction or improvements on the site the applicant shall be required to have plans reviewed by the County Engineer for drainage, compliance with the County Floodway Development Permit, and FEMA regulations.
19. After a review of the development and upon appropriate findings, any violation of the conditions of approval will allow the Conditional Use to be declared null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The applicant's site and the surrounding area is zoned "RR" Rural Residential. The immediate surrounding area is developed as agricultural with scattered single-family residence. The 100-year flood and the 500-year flood cover most of this area.
2. The suitability of the subject property for the uses to which it has been restricted: The western approximately 26 acres is agricultural in use with the eastern approximately 14 acres trees and wild grasses. The total acreage could continue to be used as it is. Because there are no plans for water and sewer service to be provided to this area and because the area is in the 100-year flood and the 500-year flood, large lot residential subdivisions are unlikely at this time or in the future.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. Any detrimental affects would be mitigated by the recommended condition of approval and code required development standards. The location of the site is on the eastern 14 acres totally located within the 100-year flood which makes residential development on the properties adjacent to it unlikely.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request for "Entertainment and Recreation, Outdoor", on "RR" Rural Residential zoning is a Conditional Use per the Unified Zoning Code. The Comprehensive Plan recommends the best use for this area as Rural uses or bsimilar compatible land use, which a paintball field could be with the conditions required for this request.
5. Impact of the proposed development on community facilities: The impact of this development on the community facilities will be no more than they presently are, with the exception of a probable increase in traffic along Bluff on weekends.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MICHAELIS moved, **HENTZEN** seconded the motion, and it carried (11-0).

13. **CON2002-00031** Sawmill Creek, LLC, Everett Long (applicant); Ruggles & Bohm, P.A., Kenneth Lee (agent)
Conditional Use to permit a Neighborhood Swimming Pool on property zoned "SF-5" Single-Family Residential on property described as;

Lots 49 and 50, Block 7, Sawmill Creek Addition, Wichita, Sedgwick County, Kansas. Generally located Northwest corner of Old Mill and Spyglass.

BACKGROUND: The applicant requests a Conditional Use to permit a neighborhood swimming pool on two platted lots in the "Sawmill Creek Addition." The application area is an irregular shaped parcel and is located at the northwest corner of Old Mill and Spyglass. The attached site plan shows a 20-foot by 40-foot swimming pool, ten parking spaces (to include an ADA designated

space) west of the swimming pool, and a small pool house north of the pool. The attached landscape plan demonstrates open space and vegetation buffers between the application area and adjoining single-family residential lots, but not sufficient landscaping to meet the screening requirement of the Unified Zoning Code (UZC). The site plan also shows parking within the 25-foot setback on Old Mill; the applicant will require a zoning adjustment to provide parking within the setback but not within eight feet of the property line. Use of the facilities will be limited to residents of the Sawmill Creek Addition. Access will be from one opening along Old Mill.

This property is zoned "SF-5" Single-Family Residential and is currently undeveloped. Neighborhood swimming pools can be a "use-by-right" if the site is identified at the time of platting and a site plan is submitted for review and approval. After the plat is recorded, a Conditional Use is required. Adjoining lots to the north of the application area are vacant and platted for single-family residential development. One of the adjoining lots is still owned by the subdivision developer, the other is owned by a builder.

The UZC requires "one parking slot per 100 square feet of pool area" for a "swimming pool, private/neighborhood." The ten parking spaces shown exceed the eight spaces required by the UZC. The UZC also requires screening between residential and non-residential uses, and screening of parking areas, which can be accomplished through the use of screen walls, landscaping, or a combination of the two.

The hours of operation for and maintenance of the pool will be determined by the homeowners' association by restrictive covenant. A six to eight foot fence will surround the pool. Paying members of the homeowners association, and their guests, will be given access to the pool.

CASE HISTORY: The application area was platted as part of the "Sawmill Creek Addition" in 2001.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5" Single-Family Residential	Undeveloped
EAST:	"SF-5" Single-Family Residential	Undeveloped
SOUTH:	"SF-5" Single-Family Residential	Single-Family Residences
WEST:	"SF-5" Single-Family Residential	Single-Family Residences

PUBLIC SERVICES: Old Mill is a two-lane residential street. Traffic volumes are not rated. Water/sewer and other municipal services will be provided to the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this property as "low density residential." This residential category provides for the lowest density of urban residential land use and consists of traditional, single-family detached homes, zero lot line units and cluster subdivisions, as well as schools, churches and similar uses found in such areas. One of the objectives of the Plan is to "develop and maintain a system of parkland, open space and recreational facilities which provide a diverse set of recreational opportunities for existing and future residents."

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to an updated site plan approved by the planning director which includes screening as per the UZC and landscaping as per the Landscape Ordinance, and the following conditions:

1. Development and maintenance of the site shall be in conformance with the approved site plan.
2. The applicant shall obtain a zoning adjustment to allow parking within the 25-foot front setback on Old Mill, but not within eight (8) feet of the property line.
3. Development and use of this site for a home owner's association swimming pool shall be in accordance with all applicable codes, including building and construction codes, landscape ordinance, health codes, and operational standards.
4. If operations have not begun within one year of approval, the Conditional Use shall be null and void.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is situated in the middle of a developing residential area. Surrounding properties are all zoned "SF-5." Access to the site is from a residential street. The lot is within walking distance from the surrounding single-family homes, and the off-street parking requirements minimize the number of parked cars on the local street.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: Locating a neighborhood swimming pool along a local street with residential development will introduce more noise for the nearby residential properties. However, this use is limited by definition to subdivision residents and their guests, and the development of the property in accordance with requirements of the Conditional Use will minimize these problems. A neighborhood swimming pool will most likely be an amenity to the neighborhood.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies this property as "low density residential." This residential category provides for the lowest density of urban residential land use and consists of traditional, single-family detached homes, zero lot line units and cluster subdivisions, as well as schools, churches and similar uses found in such areas. One of the objectives of the Plan is to "develop and maintain a system of parkland, open space and recreational facilities which provide a diverse set of recreational opportunities for existing and future residents."

4. Impact of the proposed development on community facilities: The proposed swimming pool will increase trips to the site, but the impact should be minimal. The neighborhood association will regulate the pool's hours, and access to the facility will be limited to neighborhood residents and their guests, thereby minimizing impact on community facilities.

MOTION: To approve, subject to staff comments and amended conditions, and citing the findings in their report.

MICHAELIS moved, **HENTZEN** seconded the motion, and it carried (11-0).

15. **ZON2002-00041** – 21/127 LLC (James Stockton)/MKEC (Greg Allison) request a Sedgwick County Zone change "SF-20" Single-Family Residential to "MF-18" Multi-Family Residential on property described as;

A tract of land lying in the Northwest Quarter of Section 11, Township 27 South, Range 2 East of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas, more particularly described as follows:

COMMENCING at the Northwest corner of said Northwest Quarter; thence along the West line of said Northwest Quarter of a NAD88 Kansas South Zone Grid bearing of S 00 degrees 51'36" E, 883.03 feet, thence parallel with the North line of said Northwest Quarter N 88 degrees 33'26" E, 30.00 feet to the POINT OF BEGINNING; thence continuing, N 88 degrees 33'26" E, 1098.05 feet; thence S 00 degrees 51'36" E, 571.84 feet; thence S 44 degrees 50'49" W, 150.77 feet; to a point on a curve to the right; thence along said curve 44.60 feet, said curve having a central angle of 14 degrees 36'29", a radius of 174.92 feet, and a long chord distance of 44.48 feet, bearing N 44 degrees 11'42" W, to a point on a curve to the left; thence along said curve 366.66 feet, said curve having a central angle of 69 degrees 06'23", a radius of 304.00 feet, and a long chord distance of 344.84 feet, bearing N 69 degrees 33'17" W; thence S 75 degrees 53'32" W, 261.00 feet; to a point on a curve to the right; thence along said curve 219.23 feet, said curve having a central angle of 25 degrees 07'19", a radius of 500.00 feet, and a long chord distance of 217.48 feet, bearing S 88 degrees 27'11" W; thence N 78 degrees 59'09" W, 17.56 feet to a point on a curve to the left; thence along said curve 72.82 feet, said curve having a central angle of 12 degrees 21'47", a radius of 337.50 feet, and a long chord distance of 72.68 feet, bearing N 85 degrees 10'02" W; thence parallel with the South line of said Northwest Quarter S 88 degrees 39'04" W, 77.25 feet to a point 30.00 feet East of said West line; thence N 00 degrees 51'36" W, 560.57 feet; to the POINT OF BEGINNING. Generally located South of 21st Street North and east of 127th Street East.

BACKGROUND: The applicant is seeking "MF-18" Multi-family Residential zoning for an unplatted tract containing 14.21 acres that is located approximately 874 feet south of 21st Street North and east of 127th Street. The property is an irregular rectangular shape, is currently used for crop production and is being platted as part of Reed's Cove Addition. The property located east and south of the application area is under the control of the applicant, and is being platted for single-family residential development as part of Reed's Cove. At present, a collector street is planned to run along the southern edge of the application area to provide access to 127th Street.

Property to the north is currently zoned "SF-5" Single-family, but is approved for "LC" commercial development as CUP 222 once platting is complete. Other nearby or adjacent property is zoned SF-20 or SF-5. All nearby property is currently vacant or developed with older large lot residential uses. The general area is becoming the focus of new development activity as sewer and water services have become available, 21st Street has been improved, and as the areas to the north and northwest have been rezoned and building has begun.

The city limits of Wichita are located immediately north and west of the application area so annexation of this site would be expected as part of the platting process. As part of the platting process, access controls, road improvements and other normal urban service commitments will be obtained. Screening of multi-family trash receptacles is required when residential zoning or a public street is located within 150 feet of the receptacle. Dumpsters must be located a minimum of 20 feet from any property zoned "TF-3" or more restrictive. Compatibility building side and rear setbacks between 15 and 25 feet are required when a multi-family development is located within 500 feet of property zoned TF-3 or more restrictive. Compatibility height standards restrict building height to 35 feet within 50 feet of property zoned "TF-3" or more restrictive, except for every three feet greater than 50 feet the building is set back, the building may increase one foot in height.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: "SF-5" Single-family; approved for a commercial CUP; vacant
SOUTH: "SF-20" Single-family; vacant
EAST: "SF-20" Single-family; vacant
WEST: "SF-5" Single-family; vacant

PUBLIC SERVICES: 127th Street is currently an asphalt mat township road that is in poor shape. Traffic counts are not available. The 2030 Transportation Plan projects this road segment as a two-lane arterial street with an average daily traffic volume of 5,439. There are not any CIP projects scheduled for 127th Street. Sanitary sewer is located at 21st Street and 127th Street and at the half-mile south of the site. Water is located in 127th Street.

CONFORMANCE TO PLANS/POLICIES: The site is located within the *Sedgwick County Development Guide's* 2010 Urban Service Area. The *Comprehensive Plan's* generalized recommended land use map shows this site to be appropriate for "low

density residential". MF-18 zoning is a moderate-density, multi-family residential district that "...is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "urban service areas." The *Comprehensive Plan's* residential location guidelines state that: medium density residential uses may serve as a transitional use between low and high density residential uses, and may also serve to buffer low-density residential uses from commercial uses; medium density uses should be allocated within walking distance of neighborhood commercial centers; they should be directly accessible to arterial or collector streets and these uses should be sited where they will not overload or create congestion in existing or planned facilities

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the north is currently zoned "SF-5" Single-family Residential, but is approved for commercial development as CUP 222 (upon completion of a plat). Other nearby property is zoned "SF-20" or "SF-5" residential. All nearby properties are currently vacant or developed with older large lot residential uses. The 127th Street and 21st Street area is becoming the focus of new development activity as sewer and water services have become available, and since 21st Street has been improved.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned "SF-20" which allows a lower density of development and has fewer uses "by -right" than the district requested. The property could be developed as zoned, however higher density urban type zoning has been sought and approved for nearby tracts, and higher density zoning "SF-20" would be more appropriate for this site.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Density and traffic volumes will increase over current conditions if the requested zoning is approved. However, property to the north is already zoned, subject to completing the plat, for more intense uses, and the properties located to the east and south are owned by the applicant. Expected impacts would not be greater than those experienced in other nearby areas experiencing conversion from rural or suburban uses to more intense urban scale developments.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is in conformance with recommended location guidelines for medium density residential uses (cited above). The site is located within the 2010 urban service boundary.
6. Impact of the proposed development on community facilities: Traffic volumes will increase and there will be increased demand for municipal type services over the vacant field that exists today. However, already planned improvements, or those obtained during the platting process, will account for impacts created by this development.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MICHAELIS moved, **HENTZEN** seconded the motion, and it carried (11-0).

6a. **ZON2002-00039 (CON2002-00033)** Certified Builders Inc., c/o Dennis Niedens request a Zone change from "SF-5" Single-Family Residential to "TF-3" Two-Family Residential
and

6b. **CON2002-00033 (ZON2002-00039)** Certified Builders Inc., c/o Dennis Niedens request a Conditional Use for multi-family use on property described as;

Beginning 284.8 feet West and 30 feet South of the Northeast corner of the South Half of the Northeast Quarter; thence East 244.8 feet; thence South 300 feet; thence West 244.3 feet to I-235 right-of-way; thence North to the beginning in Section 22, Township 27, Range 1 West, Sedgwick County. Generally located on the southwest corner of Hoover Road and St. Louis.

BACKGROUND: The applicant is requesting a zone change from "SF-5" Single-Family Residential to "TF-3" Two-Family Residential and a Conditional Use for multi-family residential use on a 1.6 acre unplatted tract located on the southwest corner of Hoover Road and St. Louis. The rear property line of the tract abuts I-235.

The proposed site plan shows five duplexes fronting onto Hoover Road. The duplexes would be set as close as possible to Hoover to be farther from I-235.

The surrounding area is developed with single-family dwellings. All the property in the vicinity is zoned "SF-5" Single-Family except for two lots directly to the east that are zoned "TF-3" Two-Family.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-5" Single-family residential
SOUTH: "SF-5" Single-family residential

EAST: "SF-5" Single-family residential
WEST: "SF-5" I-235

PUBLIC SERVICES: The site has access to Hoover Road, which is unpaved between Saint Louis Avenue and 3rd Street North. Public water and sewer are available for extension to serve the site.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "Low Density Residential" development. The Low Density Residential category is intended primarily for single-family detached housing but may include townhouse and multi-family units at a density of up to 6 dwelling units per acre when part of a planned development with a mix of housing types. The proposed use of the property for duplexes does not meet the criteria of allowing multi-family use as part of a mix that is predominately single-family, but the proposed density of 10 units on 1.6 acres is at the upper range for low density (1-6 dwelling units per acre).

Perhaps the proposed development more nearly fits the "Medium Density Residential" category, which allows a density range of 6-10 dwelling units per acre and includes duplexes as a permitted dwelling type. The Locational Guidelines indicate that medium-density residential uses should be located within walking distance of commercial centers, parks, schools, and public transportation routes and in close proximity to concentrations of employment, major thoroughfares, and utility trunk lines. The Locational Guidelines also indicate that medium-density residential uses should be located where they will not overload or create congestion in existing and planned community facilities and utilities.

The proposed site is shown as a "revitalization" area on the "Wichita Residential Area Enhancement Strategy Map" of the *Comprehensive Plan*. Well-designed residential infill development is to be encouraged in revitalization areas by zero-tolerance code enforcement, public investment in capital improvements and infrastructure, financial incentives, and flexible regulations for physical improvements.

The adopted neighborhood plan, "A Vision Plan for the Orchard Breeze Neighborhood", identified that "the construction of quality new housing needs to be higher" (page 15) as a priority housing need. The Orchard Breeze plan focused on the need for improved landlord/tenant management and relations and better code enforcement policies and practices. Both of these statements indicate an encouragement of new infill housing, but that it be well designed and maintained.

RECOMMENDATION: Infill construction of five duplexes on the 1.6-acre vacant lot accomplishes several goals and strategies of the Orchard Breeze neighborhood plan and the *Comprehensive Plan*. The proposed building elevations would yield new dwellings similar in style to other residential dwellings in the neighborhood; and the presence of brick or masonry on the façade will enhance the quality of the construction. The building placement is similar to the 60-foot lot width pattern on the east side of Hoover. The extra deep lots provide an area to add a landscape buffer on the west to reduce the impact of I-235 on the property.

Based upon these considerations and the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year and subject to the following conditions:

1. The use of the property shall be restricted to those uses permitted in the "SF-5" Single-Family Residential zoning district and to duplexes with a maximum density of 10 dwelling units.
2. The applicant shall guarantee paving of the pro rata share of Hoover Road.
3. The Conditional Use shall be developed in general conformance with the site plan. Any substantial change in the site plan shall require an amendment to this Conditional Use.
4. The dwellings shall be in general conformance to the building elevations attached hereto, consisting of a front façade with a combination of brick or masonry and wood frame, composite, or vinyl siding, and a pitched roof. Floor plan modifications utilizing the same general site layout shall be allowed and plans that reduce the prominence of the garage on the front of the structure shall be encouraged.
5. A landscaped street yard consisting of a minimum of 5,000 square feet of landscaped area and 10 trees located within the area between the street wall line and the right-of-way line of Hoover Road shall be established and maintained in accordance with the requirements of the Landscape Ordinance of City of Wichita.
6. The parking areas and driveways located in the front yard or street side yard shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
7. No duplex shall be divided or sold as a separate ownership unless the duplex is replatted or subject to a lot split AND separate public water and sewer is provided to each separate ownership.
8. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.
9. Any substantial violation of these conditions shall be reviewed and if determined not to be in compliance with these conditions, shall render this Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area to the east and north is mostly single-family dwellings on property zoned "SF-5" Single-Family. The property to the south also is single-family, but is vacant. I-235 borders the site on the west.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-5" Single-Family Residential, which accommodates low-density, single-family residential development and complementary land uses. The site could be developed with such uses; however, the presence of I-235 on the western property line reduces the likelihood that single-family dwellings would be constructed on the site.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: A possible detrimental effect would be if the new units were lacking in quality of construction and/or maintenance. The proposed site plan and building elevations offers an infill dwelling pattern and appearance that seems to offer style in character with the surrounding housing and of quality of materials equal or exceeding the surrounding area. The issues for maintenance is the same with this or any other new or existing residential uses, and are better addressed by adequate code enforcement than by excluding potentially desirable units that could help revitalize the neighborhood.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The site plan is at the density of 6.25 dwelling units per acre, the upper range for low density residential. However, since the Comprehensive Plan defines duplexes as medium density, the proposed development is considered to be medium density, which is the next level of intensity from that recommended by the *Comprehensive Plan*. The site meets many of the Locational Guidelines of medium density residential uses, such as being within walking distance of schools and commercial centers and being within close proximity to centers of employment and a major thoroughfare. Good quality infill construction meets the recommendations of the *Comprehensive Plan* with respect to revitalization as a residential enhancement strategy. It also conforms to the housing goals of the Orchard Breeze neighborhood plan.
5. Impact of the proposed development on community facilities: The development would have a negligible impact on water and sewer services. Petitions are being circulated to pave the block of Hoover between 3rd Street North and St. Louis Avenue. The applicant would guarantee to participate as part of the platting process, which would ensure pavement of this block of Hoover. After paving, the street would be ample to carry the still relatively low amount of residential traffic anticipated.

DALE MILLER, Planning staff presented the staff report.

BARFIELD Would you go back to the beginning when you talk about the Comprehensive Plan, and what it called for in this area.

MILLER According to the report, the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The Low Density Residential category is intended primarily for single-family detached housing, but may include townhouse and multi-family units at a density of up to 6 dwelling units per acre when part of a planned development with a mix of housing types.

BISHOP In the photos that you showed, is that a single-family home there that we see in the distance with the barn there?

MILLER I assume that it is because the staff report says that everything around it is single-family residential.

BISHOP Somewhere on Hoover, and I thought that it was in this area, there is a set of duplexes or town homes that are rentals. They exist on a little cul-de-sac.

MILLER It does indicate in the text that there are two lots to the east that are zoned "TF-3".

BISHOP So there are duplexes?

MILLER Apparently zoned for "TF-3", but not developed with duplex units.

DENNIS NIEDENS, Certified Builders Inc., We have made application to develop this property into duplexes basically because of its proximity to I-235. I attended the DAB meeting, and one of the residences there stated a concern over the noise from I-235 so that is why I feel like it works best for two-family development in there. I also build single-family, but I don't feel like with the proximity to I-235 that single-family is the highest and best use for it.

HENTZEN Mr. Niedens have you seen the nine requirements that the staff put on this request?

NIEDENS Yes, and we can comply with them.

JOAN BROWN, 301 N. Hoover: I hate to see this zone change take place because a number of years ago a gentlemen started up a halfway house, and the only thing that stopped that is the single-family zoning. This housing that Ms. Bishop inquired about, that housing is Section 8 housing. Those are single-family houses. They may look like duplexes, but they are not. They were all crowded in; there are 8 units there. But if we have five duplexes, that means 10 families in this little area, and at least 20 cars or two cars per family. Where are these cars going to be parked? I don't think building that close to the bypass is good. That highway comes alive about 5:30 a.m. We have 18 rentals within a two block area. We would like to see some homes, and that someone will take pride in them. These Section 8 homes have been a pain in the neck to say the least.

Central Street is a very busy street, and since it went five lanes it is 40 miles an hour now. To get out on Central those folks are going to find that quite a challenge living there. I would like to see this kept as one single-family dwelling in there.

BARFIELD You mentioned that traffic problem, wouldn't that be the same problem even if that was zoned single-family?

BROWN You wouldn't have the number of cars all backed up. I am talking about accessing Central Street, not going off of Central Street. Not only that, but Hoover Street since it runs parallel with the I-235 by-pass. That is used for people cutting through there to go to Towne West shopping mall. We passed a petition for the 300 block paving, and we passed a petition for the 200 block to be paved, and now we have paving for the 400 block. We have a stoplight at the I-235 by-pass, but that doesn't stop the flow of traffic that is exiting the by-pass and coming off of that ramp. You know with all the building that we have out west that is a massive flow of traffic there. I have seen it go from a gravel road to five lanes. That fifth lane is just a turning lane, but that is dirt at the time, but it will be paved.

BARFIELD On the house, you were saying that these are going to be similar. There is apparently a cosmetic difference between the drawing you have submitted to us and the slides. So what actually will be the design that will be used?

NIEDENS I haven't done anything in the City of Wichita in some time. As part of the staff recommendation, I agreed to the brick on the front, either stone or masonry.

MOTION: To approve, subject to staff comments and citing the findings in their report.

BARFIELD moved, **WARNER** seconded the motion, and it carried (10-2) **ANDERSON, BISHOP**

8. **ZON2002-00036** Donald and Ladonna Lawrenz, Corey and Breanda Demuth (owners); Terra Tech Land Surveying, c/o Michelle Webster (agent) request a Sedgwick County Zone change from "RR" Rural Residential to "SF-20" Single-Family Residential on property described as;

That part of the Southwest Quarter of Section 35, Township 28 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows: Beginning at a point which is 620.56 feet North and 50.00 feet East of the Southwest corner of said Southwest Quarter; thence with an assumed bearing of North 0 degrees 00'00" East, parallel with the West line of said Southwest Quarter, a distance of 460.82 feet; thence South 89 degrees 39'11" East, parallel with the South line of said Southwest Quarter, a distance of 847.21 feet; thence South 0 degrees 00'00" West, a distance of 460.82 feet; thence North 89 degrees 39'11" West, a distance of 847.21 feet to the point of beginning. Generally located Northeast of the 71st South – 151st Street West Intersection.

BACKGROUND: The applicant requests a zone change from "RR" Rural Residential to "SF-20" Single-Family Residential on a 9-acre unplatted tract located at the northeast corner of 71st Street South and 151st Street West. The applicant proposes to develop the application area with eight one-acre lots within a larger 21-lot development of "RR" zoned single-family residences. The surrounding larger lots range from two to five acres in size. The proposed subdivision will include an existing large-lot rural residence southeast of the application area. The applicant submitted a preliminary plat for the Dove Haven 2nd Addition, including the application area, and was approved by the Sub-Division Committee on June 13, 2002, subject to the requested zone change.

The application area of one-acre lots is planned to be served by on-site domestic wells, and on-site septic tanks. The Unified Zoning Code requires a minimum of 40,000 square foot lots when served by on-site wells and septic tanks in the "SF-20" district, versus two-acre lots in the "RR" district.

North of the application area is the platted but undeveloped Dove Haven 1st Addition, zoned "RR" and consisting of 5-acre single-family residential lots. Surrounding the application area in all other directions is un-platted land under agricultural development. Southwest of the application area, at the 71st and 151st intersection is a small township cemetery.

CASE HISTORY: A preliminary plat, including the application area, was approved by the MAPC Sub Division Committee on June 13, 2002, subject to the requested zoning.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	platted large lots
SOUTH:	"RR"	Agriculture, township cemetery
EAST:	"RR"	Agriculture
WEST:	"RR"	Agriculture

PUBLIC SERVICES: The application area has access to 151st Street West, an unpaved section line road. The larger subdivision development has access to both 151st West and 71st Street South, a paved, two-lane section line road. A traffic count is not available for this section of 151st or 71st. Public water and sewer are not available at the application area, the applicant intends to serve this development with on site water and sewer systems. The application area is not planned for future public services as it is not within the Wichita future Urban Service Area, or a small city growth area.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Rural" development. The Rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than agricultural uses, and large lot subdivisions with provisions for future water and sewer service.

The Comprehensive Plan has the stated objective of encouraging agricultural activity in the county; a zone change allowing increased density in the middle of agricultural production areas does not meet this objective. The Comprehensive Plan has the stated objective of encouraging growth and development to areas that are served by existing public facilities and services, or which

can be served economically and promote compact and contiguous development. The Comprehensive Plan also promotes a strategy of preserving open space; the requested zone change and resulting increase in residential density at the application area does not provide for preserved open space.

The Wichita/Sedgwick County Unified Zoning Code states that the "SF-20" district is "intended for application in unincorporated Sedgwick County, particularly in areas where some public services are available and where soils are capable of accommodating septic tanks." As the application area is not planned for future public services, the requested "SF-20" zone change does not conform to all existing plans and policies.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: A plat for property to the immediate north of the application area has been approved for a large lot (5-acre) subdivision development. Likewise, the application area is within a larger subdivision of larger lots. The surrounding area is all zoned "RR", is mostly rural, and is mostly under agricultural production. The requested zone change and therefore increased residential density is out of character with the surrounding large lot and agricultural uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential, which accommodates very large lot, single-family residential development. The application area could be developed as zoned at the "RR" two-acre lot density.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Currently, the nearest residential neighbor to the proposed subdivision is over 1000 feet away from the application area; the surrounding area is primarily developed with agriculture. The proposed subdivision will have direct access to paved 71st Street South. The application area should have minimal detrimental affects on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Rural" development. This request, at the given application area, does not meet the Zoning Code or Comprehensive Plan intent for an increase in residential density (from "RR" to "SF-20") based on a location near like development or where future public services are planned. This request also does not work towards meeting Comprehensive Plan objectives of preserving open space or encouraging agricultural activity, by using higher densities in a "cluster" with the difference in land area set aside and prohibited from development, as County Commissioners have recently suggested.
5. Impact of the proposed development on community facilities: The proposed zone change to "SF-20" for eight one-acre lots instead of four two-acre lots should not have a significant negative affect on community facilities. However, the cumulative effect of doubling the permitted densities in rural areas that have minimal public services today will be to force the eventual paving of unpaved roads, increase in emergency service costs, and greater likelihood of needing to someday extend public water and sewer facilities to replace failing on-site systems.

JESS MCNEELY, Planning staff presented the staff report. Staff is recommending denial.

WARNER I am looking at the Subdivision layout of the proposed Dove Haven Second Addition compared to this request of zoning. Is part of this property already zoned "SF-20"?

MCNEELY No. The entire Dove Haven Second Addition is currently zoned "RR". There is an island within the Dove Haven Second Addition that is before you right now being requested for "SF-20".

WARREN It would seem like the objection that staff has is that these large lots be made larger, such as the surrounding lots. I have a map you don't have. On the subdivision most of the lots are 2 acres. You won't go along with 1 acre.

MCNEELY It is currently zoned RR and that is permitted by right.

WARREN If this will work, why are you opposed to it? It is getting better utilization of this land than the 2 acre sites are.

MCNEELY Unfortunately, there are a couple of policies in regard to future services.

MICHELLE WEBSTER, Terra Tech Land Surveying, On the zoning code issue, he just took a little piece out of that, and built off of that. But if you read the "Subdivision Regulations" it says, "The "RR" district is generally compatible with the suburban district of the Comprehensive Plan". That is the same language that is under "SF-20", and if you read the suburban definition it says, "The suburban density category provides for large lot residential living area where a full range of municipal services including public water, and sewer is not available or planned. Such areas are characterized by residential lots in the range of 1 to 20 acres." What we tried to do was to follow the guidelines and utilize the land in a little better manner than we have in the past. With Dove Haven Addition, we had the west half of the quarter section to develop for the applicant. This portion here is the Second Addition. The First Addition consisted of six lots of five acres each with the street going east-west, dividing that subdivision into two blocks.

WARREN Could you point out the area on that map, the only area that we are considering today?

WEBSTER This is Lot 2. There are 8 one acre lots, and if we combine them to make the 2 acre minimum we would just have four lots. I thought this was a good idea for urban planning in the future because they are all 200 foot frontages. You could split them in two to create half-acre size lots, which is urban scale, with a lot split without having to replat at all. I thought it would give it a lot better transition from the agriculture development surrounding it. The five acres buffers it on the north and we got a larger lot on the southeast, and the two acre lots all the way around the 1 acre lots, isolates that, and puts all the people that want smaller lots together so they are not dispersed through the whole neighborhood. Like I said, we started out with 80 acres. We are looking at 8 acres set aside for 1 acre tracts. That is only 10 percent of what we are developing, and we are only gaining four lots, and I didn't think this was a big deal. All of the property in the whole west half of the quarter passed. We could have platted it all at two acre lots, not the 6 fives on the north and the rest smaller. The two lots on the southeast corner is a homestead. On the smaller lot, the "L" shape lot is vacant but those two lots are owned by a separate individual. He bought them prior to the plat starting. We are platting them to clean up the legal description and brought that together. He is planning on a new house on the "L" shape and is going to rent out the homestead. So that is why he wanted a larger lot. I like the idea of a neighborhood, and I think the island, this Block 2, is going to give this rural residential area more of a neighborhood feel then if everything was very larger and separated. I think we need some of that. This is within one mile of the road going into Clearwater. We are three miles north of Clearwater. It is in the Clearwater school district. I was reading the 2002 trends report that said of the plats last year in rural areas we only created 79 lots total. We have got 27 total just in this one west half, and I think it is a pretty good layout. It keeps it all together. If you took those 8 lots, and everybody bought a 20 acre piece for a platting exemption, we would be eating up a whole quarter, a 160 acres. I am all for this kind of development over the 20 acre rural or even the 5 acre lots.

WARREN Let's say you get approval, are you ready to file that plat then?

WEBSTER We have submitted it in that same form, and you will be voting on it today at the end of this zone change. I do want to point out on the staff comments, on Item 3, on the recommendations the last line there says, "The application area should have minimal detrimental affects on nearby property". Then on Item 5, the first line in the last paragraph says "The proposed zone change for "SF-20" for eight one-acre lots, instead of four two-acre lots, should not have a significant negative affect on the community facilities." I think we need to get some more lots out in the County to raise the tax base for County services. I don't think we should worry about increase in emergency service cost because what is limiting emergency services is not having a big enough tax base to pay for the buildings and staff that they need to serve.

GAROFALO The lots at the north end, are they platted?

WEBSTER The lots north of this are in Dove Haven, which is the first addition. There are six five acre lots, and the plat has been recorded. The road just got finished before the final plat was even approved. Three of those six lots were already spoken for.

GAROFALO Nothing built yet?

WEBSTER Nothing is built out there yet. We have got to get electric service out there before we can get building permits. But there is a lot of interest in this area, and 71st is paved and designated as an arterial by Sedgwick County Public Works, and it is a very well maintained road. You can get to downtown Wichita from this area in less then 30 minutes so it is within a really good commute distance.

HENTZEN This is three miles north of Clearwater so their Planning Department did not have to hear this?

WEBSTER They were notified that we were platting, and they were sent the letter by the Planning staff. Usually when I get those letters back, I don't get any response from their Planning Department.

KROUT They are outside of the "zoning area of influence", but they have asked that we send them courtesy letters beyond that area, and that is what we have done.

HENTZEN That is what you have done, and nothing has come of that. As I recall, it is a mile west of the Clearwater road. The City staff is attempting to control what goes on out there.

KROUT The City and County staff.

HENTZEN What better use could this land be used for? I don't know why they are not recommending this? If we are going to take the position, that we don't want any sizable development outside the City limits, outside of Wichita, let's stand up and say that. But I don't think that is the best thing for the community called Sedgwick County-Wichita.

WEBSTER I am confused as to where one-acre tracts would be acceptable within the County. Because if you put them close enough to the growth ring, even if you are outside of the growth ring, they would want them smaller so there is really no place that is a good place to put one-acre tracts.

LADONNA LAWRENZ, Box 82, Clearwater, KS I am one of the owners of this property, and I will say that the Planning Commission in Clearwater did review it, and I was there and it was passed unanimously. The people who have inquired about these lots, they like the idea of the smaller lots. They are waiting for the next plat. They don't want their backyards to look like pastures, and they don't want to buy huge equipment to maintain large acres. I have gotten favorable comments about it.

WARREN Do we want to take Subdivision 4-4 with this?

MICHAELIS We have to take this first.

KROUT I agree that this is a very small scale kind of development and it is not this development, it is the principle of introducing "SF-20" in this area. I also agree that it is a very nice plat, that if you were going to do something like this, I think Michelle has done a good job of laying it out and putting in the higher density with the lower density surrounding it. The issue is what was the original intent of the "SF-20" and the "RR" districts and the Comprehensive Plan, and that was to say that higher density, meaning the ½ acre to one-acre that is permitted in the "SF-20" district, belongs closer to the City of Wichita. If you look at the zoning map of the County that is where you will see it. You will see the remainder of what was the three mile ring around Wichita when County zoning was first put in place because services are closer, all kinds of services, from EMS vehicles to everything else. There is more service that is available even if it is never annexed, even if water and sewer never come out there. So higher density population than the typical two to five-acres or more that you find in the more rural areas is more appropriate closer in to all of those services. The rural residential is meant for areas where there are very few services that people ought to expect when they go out to the country, and that supposedly what the County Commission says. They have some handouts that you get when you get a building permit for a five acre lot that tells you this is country living and that you shouldn't expect services out there. What happens when you start to introduce higher densities out into rural areas is that you create the demand for more services, and the first one will probably be to pave the Township roads, and they will become paved County roads and they will require more expense over the years to resurface and to maintain. Then there will be other services they are not satisfied with, the Fire service response time or the EMS response time or the Sheriff response time, and eventually those are all going to cost County tax payers more. And they are the most inefficient, according to many, many, fiscal impact studies that have been done in many parts of the country. The kind of the development that comes furthest from paying its own way in terms of public services is a one-acre type of development. The very large lots don't require many services. Agricultural seems to be ok. Urban development seems to be okay or close to being ok, if you combine residential and commercial. But the kind of development that you are looking at on the map is the most inefficient from a tax service cost standpoint to serve. More lots is not going to just create more tax base to provide the same services, it is going to demand even more services and the discrepancy between what you can pay for services, and what services you get is going to increase. City taxpayers, when the County taxes go up, pay those services. City of Wichita taxpayers are going to pay the bulk of that service cost that is going to serve these developments that are going out there, and from an economic standpoint I think you have to ask the question about whether or not that is really fair. If people are going to live there, they ought to pay the full way and burden and responsibility toward the service cost that are being demanded. When you get enough of this kind of development to occur at a higher density, you also start to establish enough of a threshold size that 300 people can get together and say I think we ought to be a City, and pretty soon instead of having 19 cities, which is probably enough in Sedgwick County, you are going to have 35 or 45 cities, and that is going to make the problems of governing in this region more and more difficult. The County Commission has said in their tentative policy about increasing densities in rural areas that it ought to be tied to the preservation of open spaces, as Jess said in the staff report. Preservation of open space means that there should be a quid-pro-quo between having higher densities and reserving the difference of those higher densities; if we are going to have eight units on four acres instead of four units on four acres, then the equivalent in terms of open space of those extra lots ought to be set aside. If not on this plat, then somewhere in Sedgwick County where it will contribute to the open space and agricultural preservation goals of the community.

Lastly, if you really think that there is nothing wrong with this, and that it is justified and that basically it is okay to have half acre to one-acre lots anywhere in the County because higher density means saving land, I suggest that you call a hearing to consider changing all of the Rural Residential zoning in Sedgwick County to "SF-20". You have already weakened the Comprehensive Plan by changing zones that we had in the Plan from suburban and agricultural to rural, and maybe the consistent thing now is: why should we have anymore debates about whether or not land should be two acres or five acres versus half to one acre. Why don't you just have one category of zoning: "SF-20", and if they can make the sanitation work on a half acre lot with public water or a one acre lot with a well, then we won't have to go through this every two weeks or so.

HENTZEN I didn't interrupt Marvin Krout because he wanted to say something that was important to him. But I want to tell you something, when I was trying to philosophize a little bit you told me or suggested that I shut up and we moved on. Now you just let him ramble for 10 minutes or whatever.

BISHOP We were at the appropriate point for it.

MICHAELIS I asked if you would wait until we got to an appropriate point of discussion, but I did not shut you off. This is the appropriate point for discussion.

WARREN Marvin, that was a great speech. Most of it is hypothetical. These are things that might happen. These are things that somebody is projecting that might happen, but we are talking about three miles from Clearwater. If we see some of these newer subdivision come in, Clearwater is a community that could take off like gangbusters. To make some sort of hypothetical decision that Clearwater would never service this with utilities is asinine. I think there is a great possibility in 30 years that they will be sewer in places like that. There are not very many places in the County that we can do this because you simply can't get health permits to do it. To say that this is going to happen all over the County, just like it is the only way. It will if we get these alternative sewer systems, and the County is buying into then, and why? The why is because we have an obligation to those of us that sit here to help preserve farmland and to help preserve open spaces. How do you do it? I tell you how you do it. You put eight people out there on eight acres instead of four out there. What happens when you do that; you preserve some land.

HENTZEN Are we talking about two acre lots?

WARREN We are talking about one acre lots.

KROUT Pretty soon it will happen wherever you want to do an alternative sewer system.

WARREN I think that is what the County is saying, they want to preserve the land so as many people can use it as they can.

MOTION: Call the question.

ANDERSON calls the question, **WARREN** seconded the motion, and it carried (10-2) Bishop, Garofalo opposed.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **WARNER** seconded the motion, and it carried (10-2) **BISHOP, GAROFALO** opposed.

4/4. SUB2002-00047 – Final Plat – DOVE HAVEN ADDITION, generally located at the northeast corner of 151st Street West and 71st Street South.

- A. This plat will be subject to approval of the associated zone change request and any related conditions of such a zone change. Prior to this plat being considered by MAPC, the zone change will need to be approved.
- B. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. **A memorandum has been obtained specifying approval.**
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **County Engineering** needs to comment on the status of the applicant's drainage plan. **A final drainage plan is needed. Additional easements/floodways may be needed based on final drainage plans. The drainage plan should indicate removal of terraces.**
- E. **County Engineering** needs to comment on the access controls. The plat proposes one access opening along 151st St. West and one opening along 71st Street South. Distances should be shown for all segments of access control. The final plat shall reference the dedication of access controls in the plat's text. **County Engineering has required complete access control off 71st St. South, for Lot 5, Block 1 and for Lot 1, Block 1.**

Access controls have been platted as requested.

- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- G. The public streets in this addition must have plans for their construction approved by Sedgwick County Public Works prior to construction.
- H. **County Fire Department** has advised that the streets need to be installed and approved prior to development of individual lots.
- I. Streets must also be constructed or a financial guarantee must be on file with the County Engineer prior to the final plat being filed.
- J. Access drives to any structures in access of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications:
 - a. 20 feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather.
 - b. The surface will need to be an all weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed)
- K. The **County Fire Department/GIS** needs to comment on the plat's street names. **Winesap shall be revised to Morning Dove. Bird's Eye shall be revised to Birdseye.**
- L. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- M. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.

- O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- T. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- U. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **WARNER** seconded the motion, and it carried (10-2) **BISHOP** and **GAROFALO** opposed.

12. **ZON2002-00033** Triple J of Wichita, LLC (Ron Cornejo, manager)/ Robert Kaplan, Attorney request a Zone change from "SF-5" Single-Family Residential to "GC" General Commercial on property described as;

Beginning 30 feet north and 255 feet east of the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 16, Township 27 South, Range 2 East of the Sixth P.M., Sedgwick County, Kansas; thence north 216 feet; thence east 170 feet; thence south 216 feet; thence west to beginning; together with a tract described as follows: Beginning 155 feet east of the southwest corner of the south 15 acres of the Northwest Quarter of the Southwest Quarter of Section 16, Township 27 South, Range 2 East of the Sixth P.M., Sedgwick County, Kansas; thence north 246 feet; thence east 100 feet; thence south 246 feet; thence west 100 feet to the point of beginning; EXCEPT the south 30 feet thereof for street; together with a tract described as follows: Commencing at the southwest corner of Section 16, Township 27 South, Range 2 East of the Sixth P.M., Sedgwick County, Kansas; thence north along the west line of said Section 16, a distance of 1,355.85 feet; thence east a distance of 35 feet to the place of beginning; thence north a distance of 100 feet; thence east a distance of 120 feet; thence south a distance of 100 feet; thence west a distance of 120 feet to the place of beginning; EXCEPT the west 15 feet thereof for street. Generally located North of Chamberlain, east of Webb.

BACKGROUND: The applicant is seeking "GC" General Commercial zoning for three unplatted tracts comprising 1.6 acres located east of Webb Road and north of Chamberlain. These three properties are currently zoned "SF-5" Single-family Residential. The property closest to Webb Road has an existing building that may be vacant, and was at one time occupied by County EMS. The other two tracts are vacant. The application states the reason for the request is "to develop the property for commercial use." Additional discussions with the applicant's agent indicate that a strip mall or small office-commercial center similar to others located in nearby developments is intended. Staff is also advised that the zoning is not being requested to expand the All Star Sports complex located to the northeast. The application area contains a number of older trees. This site is located within "Area A" of the "Airport Hazard Map" which limits heights to 25 feet unless specifically reviewed and permitted by a separate procedure.

Property to the north is zoned "GC" General Commercial and is developed with two commercial buildings and an outdoor recreational use (All Star Sports). Land located to the east, south and west is zoned "SF-5" Single-family Residential. Properties to the east and south are developed with single-family homes of varying age, type and maintenance level. Property to the west is developed with Minneha Elementary School. A wooden fence exists along the south half of the common lot located east of the application area. A hedgerow of trees is located along the northern half of that same common lot line. Further to the north and south of the application area, properties are zoned "LI" Limited Industrial. Raytheon Aircraft, its runway and related aircraft businesses are the dominant land use further east and south of the application area. With the exception of the properties fronting Webb and Central, the general area's development pattern was established during World War II, and there have been minimal changes to the properties located east of Webb and north of re-located Central. Properties fronting Webb and re-located Central have recently seen re-development.

If this request is approved, the site will have to be developed in compliance with compatibility setbacks, screening and buffering, as well as with the Landscape Ordinance. The property will need to be platted. At the time of platting, access controls, road improvements and other typical improvements would be determined (e.g. complete access control to Webb Road, and guarantees for improvements that could include left-turn lane, signalization and paving.)

CASE HISTORY: The property closest to Webb Road had special permit DR 82-16 that allows a government building for an Emergency Management Service use approved in 1982.

ADJACENT ZONING AND LAND USE:

NORTH: "GC" General Commercial; commercial buildings, outdoor recreation
SOUTH: "SF-5" Single-family Residential;
EAST: "SF-5" Single-family Residential;
WEST: "SF-5" Single-family Residential; Minneha Elementary School, single family residential

PUBLIC SERVICES: Webb Road is an improved 4-lane arterial street that carries an average daily traffic volume of 17,872 vehicles. The 2030 Transportation Plan projects this segment of Webb Road to be four-lane arterial carrying an average daily traffic volume of 11,983. Chamberlain is a local street, constructed to minimum standards. If the site were developed at 30% of the area, 20,909 square feet of retail use could result, which could generate an average of 878 trips per day. If the site were to develop with all office uses, the site could generate 230 trips per day. At level of service D, a four-lane arterial such as Webb Road can carry approximately 20,000 average daily trips. Public sewer and water services are available for extension.

CONFORMANCE TO PLANS/POLICIES: Commercial location guidelines contained in the 1999 update of the *Wichita-Sedgwick County Comprehensive Plan* indicate that commercial sites should: be located adjacent to arterial streets or major thoroughfares; be coordinated with mass transit routes, high density residential, employment or other intensive uses; have site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential uses; be located in compact clusters or nodes versus extended strip development; and be located in areas of similar development, and where traffic patterns, land uses and utilities can support such development. The *Wichita Land Use Guide* recommended land use map depicts this site as appropriate for industrial uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the north is zoned "GC" General Commercial and is developed with two commercial buildings and an outdoor recreational use (All Star Sports). Properties to the east, south and west are zoned "SF-5" Single-family Residential. Properties to the east and south are developed with single-family homes of varying age, type and maintenance. Property to the west is developed with Minneha Elementary School. This is an area that is transitioning from primarily a 1940's era single-family residential and vacant lot setting to more intense retail and commercial uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-5" Single-family Residential. It could be developed as such, however, there have been new non-residential uses developed to the north and further to the south in recent months, making the site less desirable for single-family usage. The parcel with Webb Road frontage is less likely to be suitable for long-term residential use. The Webb Road parcel's small size makes it difficult to re-develop without additional land, making the properties to the east important to the successful use of Webb Road frontage.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Traffic will increase over current usage. The intensity of land uses will also increase. However, code required screening, fencing and landscaping should minimize potential impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: "GC" uses are less intensive than the plan's recommendation of industrial uses for this site. Webb Road is a four-lane arterial street, municipal services are available, and the east side of Webb Road in this general area has been re-developing with similar uses.
6. Impact of the proposed development on community facilities: Traffic will increase, and there will be sewer and water improvements needed, however the needed improvements will be accounted for during platting.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MICHAELIS moved, **HENTZEN** seconded the motion, and it carried (12-0).

14. **ZON2002-00035** – United Golf of Wichita c/o Gene Vitarelli (owner/applicant); Ruggles and Bohm, PA c/o Chris Bohm (agent) request a Sedgwick County Zone change "SF-20" Single-Family Residential to "NR" Neighborhood Retail on property described as;

That part of the SW 1/4 of Sec. 35, T27S, R2E of the 6th P.M. Sedgwick County, Kansas, described as beginning at the SE corner thereof; thence S 89 degrees 54' 24" W, along the south line of said SW 1/4, 750.00 feet; thence N 00 degrees 00'45"E, 370.00 feet; thence S 89 degrees 59'15"E, 750.00 feet to a point on the east line of said SW 1/4, thence S 00 degrees 00'45"W, along the east line of said SW 1/4, 368.61 feet to the place of beginning, except the south 50.00 feet thereof for road right of way, containing 5.5 acres, more or less. Generally located North of Pawnee, ½ mile east of 127th Street East.

BACKGROUND: The applicant requests a zone change from "SF-20" Single-Family Residential to "NR" Neighborhood Retail on 5.5 acres of unplatted land located north of Pawnee, approximately one-half mile east of 127th Street East. The applicant is developing the property as the Sierra Hills Golf Club. A golf course and associated accessory uses such as a clubhouse are permitted by right in the "SF-20" zoning district; however, Sedgwick County's licensing regulations pertaining to the sale of alcoholic beverages require property to be zoned appropriately for a restaurant or tavern (depending upon the type of license sought). Therefore, the applicant is seeking "NR" Neighborhood Retail zoning to permit a restaurant with alcoholic beverage sales to be operated within the golf course clubhouse.

The character of the surrounding area is that of suburban property on the developing fringe of Wichita. Currently all of the property surrounding the subject property is zoned "SF-20" Single-Family Residential and is undeveloped; however, plans for urban scale residential development are under review for property to the east and were approved within the last couple of years for property to the north.

CASE HISTORY: The property is proposed to be platted as the Sierra Hills Golf Club Addition (SUB2002-00049), which was approved by the Subdivision Committee on June 27, 2002 and is scheduled for consideration by the MAPC on July 25, 2002.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-20" Agriculture
SOUTH: "SF-20" Agriculture
EAST: "SF-20" Agriculture
WEST: "SF-20" Agriculture

PUBLIC SERVICES: The subject property has access to Pawnee, a two-lane arterial street. Current traffic volumes on Pawnee are approximately 2,000 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on Pawnee will increase to approximately 8,000 vehicles per day. Municipal water and sanitary sewer service are not currently available to serve the subject property; therefore, the scale of the restaurant and associated clubhouse activities will be limited to those that can be supported by on-site water and sanitary sewer systems until municipal services can be extended.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The Land Use Guide also identifies this area as within the 2010 Urban Service Area. Golf courses are compatible with the "Low Density Residential" land use classification. The proposed "NR" Neighborhood Retail zoning is requested to allow retail and restaurant uses as accessory uses to the golf course.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All property in the neighborhood is zoned "SF-20" Single Family Residential and is used for agriculture. The character of the neighborhood is that of developing suburban residential neighborhood. Golf courses with retail and restaurant activities within a clubhouse are traditionally found in suburban residential neighborhoods; therefore, the proposed rezoning of the subject property to permit a golf course clubhouse is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-20" Single-Family Residential. A golf course and associated accessory uses such as a clubhouse are permitted by right in the "SF-20" zoning district; however, Sedgwick County's licensing regulations pertaining to the sale of alcoholic beverages require property to be zoned appropriately for a restaurant or tavern (depending upon the type of license sought). Therefore, "NR" Neighborhood Retail zoning is required to permit a restaurant with alcoholic beverage sales to be operated within the golf course clubhouse.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on residential properties in the area should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code, which should limit noise, lighting, and other activity from adversely impacting residential properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The Land Use Guide also identifies this area as within the 2010 Urban Service Area. Golf courses are compatible with the "Low Density Residential" land use classification. The proposed "NR" Neighborhood Retail zoning is requested to allow retail and restaurant uses as accessory uses to the golf course.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MICHAELIS moved, **ANDERSON** seconded the motion, and it carried (12-0).

4/10. SUB2002-00049 – One-Step Final Plat – SIERRA HILLS GOLF CLUB ADDITION, generally located east of 127th Street East and on the north side of Pawnee.

- A. The applicant shall guarantee the extension of City water and sanitary sewer to serve the lot being platted.
- B. **City/County Engineering** needs to comment on the need for other guarantees or easements. **County Engineering has advised that additional easements may be required upon review of the final drainage plan. The easement along the north line needs to be labeled.**
- C. This plat will be subject to approval of the associated zone change and any related conditions of such a zone change.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. **County Engineering** needs to comment on the status of the applicant's drainage plan. **The final drainage plan need to be submitted. Minimum pad may be required for the building site.**

*F. Access control, except for one opening, is required for the east 750 feet of the property. ***REVISED**

- G. Provisions shall be made for ownership and maintenance of the proposed reserves. A covenant shall be submitted regarding ownership and maintenance responsibilities. This covenant shall also provide for the owner of Lot 1 to maintain the "parking strip" located between the south property line of Reserve A and the driving surface for Pawnee.
- H. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- I. The signature line for the County Commissioners Chairman needs to reference "Ben Sciortino".
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. Lot 1 shall be incorporated into the Reserve. The plat's text shall state that the reserve will include a golf clubhouse, driving range and parking lot.
- M. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- T. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- U. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **COULTER** seconded the motion, and it carried (12-0).

16. **CON2002-00035** – Bledsoe Enterprises, Inc., Harry Bledsoe (owner); Baughman Company, P.A., Russ Ewy (agent) request a Sedgwick County Conditional Use to allow “Mining and Quarrying,” the excavation of fill material on property described as;

The West Half of the Northwest Quarter of Section 26, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, lying north of the right-of-way of the Atchison, Topeka and Santa Fe Railroad, EXCEPT that part taken for Highway in District Court Condemnation Case #A-38302, and EXCEPT that part deeded for Highway in Deed Book 1422, Page 226. Generally located on the southeast corner of 135th Street West and Kellogg (US54 Hwy).

BACKGROUND: The applicant requests a Conditional Use to allow “Mining and Quarrying” for the excavation of fill material to be used on the anticipated West Kellogg highway project. The unplatted, undeveloped property is located southeast of the Kellogg and 135th intersection, and is zoned “SF-20”. The application area is 53.8 acres, however, as shown on the site plan, an eight-acre portion of the site is planned for a temporary rock crusher, and a 3.8-acre portion is planned for a temporary casting yard, permitted by right in “SF-20”. Planning staff has received a separate Conditional Use application for the temporary rock crusher, that case will be heard separately from this Conditional Use request. The applicant has not indicated the intended depth of excavation, nor has the applicant provided information regarding groundwater depth on the site. Proposed access to the site is off 135th at a point 600 feet south of Kellogg, and another point into the casting yard. Setbacks indicated on the site plan are 100 feet from Kellogg and 150 feet from 135th.

The application area has a slight hilltop near the western edge of the property. The applicant indicates that the extraction plan would include taking fill from the high portion of the site, preventing a “borrow pit” effect on the site. The applicant indicates that after the Conditional Use is no longer needed, the site will be graded and developable. North of the application area, across Kellogg, is property zoned “GC” and undeveloped or developed with businesses. South of the application area is an “SF-20” zoned railroad corridor, a KG&E substation, agriculturally developed land, and a large lot single-family residence beyond the railroad, substation, and agricultural field. East of the application area is “SF-20” zoned property developed with agricultural uses. West of the application area is property zoned “GC” and “LI” developed with agricultural uses and a concrete mixing plant.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH: “GC” undeveloped, retail business
SOUTH: “SF-20” railroad, utility substation, agriculture, single-family residence
EAST: “SF-20” agriculture
WEST: “GC”, “LI” agriculture, concrete mixing plant

PUBLIC SERVICES: The property is located along 135th Street West, a two-lane, unpaved section line road. The existing half-width right of way on this section of Ridge Road is 30 feet; County Public Works has indicated a desire to increase that half-width right of way to the desired standard of 70 feet. The traffic count as of July 2000 was 788 cars per day (ADTs) on this section of 135th. The projected traffic volume for 2030 is 3,961 cars per day. No street projects are currently included in the C.I.P for this section of 135th; the 2030 *Transportation Plan* designates this section of 135th to be a two-lane arterial. The property currently has no improved entrances onto 135th.

CONFORMANCE TO PLANS/POLICIES: The “Wichita Land Use Guide” of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as “Industrial/Transportation/Utility/Communication”, reflecting its location along Kellogg. The “Sedgwick County Development Guide” designates the application area as within the 2010 Urban Service Area.

The Unified Zoning Code lists “Mining or Quarrying” as a Conditional Use in the “SF-20” zoning district. The Zoning Code lists 23 conditions with which “Mining or Quarrying” should comply; these conditions exist for public safety, and to mitigate any negative effects the extraction may have on surrounding properties. Not all of these conditions are applicable to the proposed fill material excavation. Should the Planning Commission recommend modifications to one or more of the Unified Zoning Code conditions for the requested Conditional Use, the request must then be forwarded to the Governing Body for final action.

RECOMMENDATION: With the proper conditions in place, this proposal should not have a detrimental affect on the surrounding properties. The conditions suggested below should mitigate potential negative impacts caused by this Conditional Use. Required permits and drainage plans should further ensure the safe operation of the Conditional Use.

For these reasons and based on information available prior to the public hearings, Staff recommends that the Conditional Use request be **APPROVED**, subject to the following conditions:

1. Dedication of right of way on 135th Street West to bring the application area in conformance with Subdivision Regulations. The instrument of dedication to be submitted to County Public Works prior to commencing operations.
2. An extraction plan, and modified site plan, shall designate a phased extraction plan, extraction area, depth of extraction, drainage plan, internal circulation, buffer area around the extraction area, and a required 60-inch fence.
3. The extraction operation on the site shall proceed in accordance with the extraction plan to be approved by the Planning Commission. The perimeter of the excavation shall conform to the size and shape indicated on the approved operational

plan. To assist in the enforcement of the operational plan, a copy of the approved operational plan shall be posted on the site.

4. Uses after the conclusion of the extraction operation, shall be submitted to the Planning Director for review and a recommendation to the Planning Commission as to whether or not the development plan is compatible with surrounding land uses, the Comprehensive Plan or other plans or policies being utilized by the City or County.

5. Adjacent to the perimeter of the application area, a minimum 60-inch high fence, topped with three strands of barbwire, shall be constructed prior to the beginning of any extraction operation and shall be maintained at the locations depicted on the approved operational plan. The fence shall be placed on steel posts not more than seven feet tall and spaced not more than 16 feet apart.

6. The owner of the property shall be responsible for minimizing blowing dust from the site. To minimize blowing soil, overburden shall not be removed more than six months in advance of the excavation area being expanded, per the operational plan, unless the ground is covered within the next planting season with a perennial drought-resistant grass or combination of which will permit the establishment of sod cover to help prevent erosion. As part of the required operational plan, the site shall be divided into at least two distinct areas for the purpose of showing phased excavation over time.

7. Side slopes of the extraction shall at no time be steeper than four horizontal to one vertical.

8. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the city or county legal counsel (as applicable), prior to the commencement of any extraction providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction area.

9. The storage of equipment or stockpiling of sand or overburden is not permitted closer than 100 feet to any public right of way, or closer than 50 feet to any property line.

10. Nothing in the approval of a Conditional Use shall be construed to permit a contractor's material and equipment storage yard. Within 60 days after completion of the extraction operation, the land surrounding the excavation site shall be properly graded and planted with a vegetative cover. Also, all stockpiled material and related excavation equipment shall be removed from the subject site.

11. The Conditional Use for the extraction operation shall be valid for a period of 4 years.

12. Hours of operation for extraction shall be limited to 6:00 a.m. to sunset.

13. The applicant shall make the site available to the Wichita-Sedgwick County Health Department for the installation and management of groundwater monitoring wells.

14. Any on-site storage of fuels or chemicals must be approved by the Wichita-Sedgwick County Health Department.

15. A drainage plan shall be submitted to and approved by County Public Works prior to starting the extraction operation. All of the area included within the fenced extraction operation shall be graded in accordance with the approved drainage plan. Said plan shall be designed to minimize erosion, and sediment from leaving the site. The extraction area shall be developed so as to not become a wetland area.

16. All operational roads shall be maintained in a sand or graveled condition and shall be treated with water or other acceptable dust retardant to minimize blowing dust.

17. All applicable local, state, and federal permits necessary for the extraction operation and for flood plain development shall be obtained and maintained.

18. If operations have not begun within one year of approval, the Conditional Use shall be null and void.

19. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties surrounding the application area are zoned "SF-20" and "GC"; the area is a mixture of rural, industrial, and commercial uses. The Conditional Use should not negatively affect the character of the neighborhood, as like uses already exist.

2. The suitability of the subject property for the uses to which it has been restricted: The application area could be developed as zoned for agricultural uses or single-family residential use. The site location, adjacent to a freeway and near an existing concrete mixing plant, may not make it attractive for residential uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The conditions provided in the Unified Zoning Code for this Conditional Use should prevent any detrimental affect on nearby property. These conditions work to mitigate any negative dust, noise, or environmental effects. The fencing requirement should prevent trespassing and accidents on this property.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Comprehensive Plan* does not specifically address "borrow pits"; however, the plan does recognize the uniqueness of mining and extractive resources (e.g. sand, gravel, clay soils, etc.). The Plan recommends that the extraction use location be compatible with the built and natural environment. The land use guide identifies this area as designated for "Industrial/Transportation/Utility/Communication"; the requested use is consistent with this designation.

5. Impact of the proposed development on community facilities: Traffic to and from the requested Conditional Use at this location will increase the daily trips on this section of 135th; this increase should not exceed the safe capacity of this road. The recommended right of way dedication would allow for further widening of 135th, should an increase in traffic make widening necessary.

JESS MCNEELY, Planning staff, indicated the applicant is in agreement with the staff recommendation of approval and the conditions for this Conditional Use and the excavation plan. We have a requirement as per the Zoning Code that you approve the excavation plan which Mr. Ewy has just passed out to you. He would like to explain that you, and then you can approve that and the entire Conditional Use.

MICHAELIS So we can approve it subject to this excavation plan and not have to do it separately.

RUSS EWY, Baughman Company, P.A., we are attempting to extract soil off of this site by basically re-grading it. The soil that will be coming off of this site as well as the other ancillary uses such as a temporary concrete plant and a casting yard will be on this site all in support of the Kellogg expansion project. What I have handed out here is showing you what the final grades of the site will be. The site plan that was handed out to you in your staff report has the existing topography on it. This is the final grading plan.

WARREN How much rise is there on your final grade?

EWY To the northwest and west areas of this site you are going to be looking at cutting about 8 to 10 feet of soil. The site will be feathered in a manner that is going to back a more gradual float back to the east. We will be filling a little bit of the eastern edge of the site but in all total we are going to extract anywhere from 200 to 250 thousand cubic yards of soil off of this site.

REBAH HUBBARD, P.O. Box 205 Derby, KS I own the property adjacent to the west on the west side of 135th of the property in question. I sold the property that is directly east of the property in question over a four year period. Mr. John Dugan bought it he does not own the strip that is adjacent to this until the last payment is made in January. I want to know how much this is going to affect this between now and January.

MICHAELIS It won't affect it at all.

HUBBARD What about 135th Street West, will that have any kind of blacktop put on it to help keep down the dirt because of the additional traffic that is going to be on it?

MICHAELIS Probably not would be my guess.

HUBBARD How far along are they on the drawing for the continuation of the highway from 119th West?

MICHAELIS We are not helping you very much.

HUBBARD I know that this doesn't pertain to the question that is here, but I thought that some of you might be able to help me on that.

MICHAELIS That would be more of an Engineering question that you would have to get with the County.

HENTZEN As you know, they are building those two ramps over Tyler Road, and over the Cowskin and Maize Road that is what this is going to be used for. I believe that the City and the County think their next big step is east Highway 54 before they go on west. I don't think there is any significant plan right now to go further west than where they are now.

HUBBARD I understand that what the U.S. Government, State of Kansas, Sedgwick County, has purchased the abandoned railroad that is to the south of this property. Do you know the status of that?

HENTZEN I don't know about that, but I think you are right that there has been some very serious negotiations on that.

MOTION: To approve per staff comments, and include the excavation plan in the approval.

WARNER moved, **HENTZEN** seconded the motion, and it carried (12-0).

17. **CUP2002-00027 (DP62 Amendment #9)** Best Buy Company, Inc., c/o Jacki Cook-Haxby (applicant); slawson Commercial Development Company c/o Jerry D. Jones (owner) Kaplan, McMillan and Harris c/o Robert W. Kaplan (agent) request a CUP amendment to increase the maximum height of an existing building sign for Best Buy from 30' to 36.9" on property described as;

Lots 1, 2 and 3, Block 1, E. E. Jabes 2nd Addition to Wichita, Sedgwick County, Kansas.

AND

We hereby certify the forgoing to be a true and correct list of the property owners in the Northeast Quarter of Section 7, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (CUP). Generally located on the southwest corner of Rock Road and 21st Street North.

BACKGROUND: The applicant is requesting an amendment pertaining to signage for Parcel 2 of Chelsea Station CUP (DP-62), which is located at the southwest corner of 21st Street North and Rock Road on 16.25 acres of platted land that is zoned "LC" Limited Commercial. With the exception of the CUP's limitations on ground-mounted sign height, the signage for Parcel 2 is governed by the standard provisions of the Sign Code. At issue is the Sign Code's maximum 30-foot height for building signs. The applicant has requested the following amendment to General Provision #10: the occupant of the building currently occupied by Best Buy shall be permitted to retain the existing sign along Rock Road at 36'9" in height. In summary, the applicant is requesting to keep a building sign that was illegally installed at a height of 36'9" when the sign permit requested a sign to be installed at a maximum height of 25 feet. The attached picture shows the sign as it is currently installed.

CASE HISTORY: The subject property was originally platted as part of the E.E. Jabes Addition, which was recorded June 5, 1974. The subject property was rezoned to "LC" Limited Commercial (Z-1592) and became subject to the provisions of the Chelsea Station CUP (DP-62) on June 19, 1974. The subject property was replatted as part of the E.E. Jabes 2nd Addition, which was recorded August 2, 1984. The subject property was the subject of a lot split (L/S-0817), which was recorded August 22, 1991. The Chelsea Station CUP (DP-62) has been amended on numerous occasions since its inception, including an amendment approved by the MAPC on May 9, 2002 to permit a 38'6" high building sign for Dick Sporting Goods within the same shopping center as Best Buy.

ADJACENT ZONING AND LAND USE:

NORTH: "LC"	Retail
SOUTH: "MF-18"	Apartments
EAST: "LC"	Retail, restaurants
WEST: "MF-18"	Apartments

PUBLIC SERVICES: The subject property has access to Rock Road and 21st Street North, which are both five-lane arterials at this location. Current traffic volumes on Rock Road are approximately 28,000 trips per day, and the 2030 Transportation Plan estimates that traffic volumes on Rock Road will increase to approximately 38,000 trips per day. Current traffic volumes on 21st Street North are approximately 22,000 trips per day, and the 2030 Transportation Plan estimates that traffic volumes on 21st Street North will increase to approximately 25,000 trips per day. The subject property is currently served by municipal water and sewer service.

CONFORMANCE TO PLANS/POLICIES: The City's Sign Code limits the height of building signs to 30 feet in the "LC" Limited Commercial District. The proposed 36'9" high building sign is 22.5% higher than permitted. The Unified Zoning Code permits an amendment to a CUP to allow signage that is not in conformance with the City's Sign Code. The Unified Zoning Code states that the purpose of a CUP is to provide well planned and well organized developments with a character that is appropriate to the neighborhood. The Unified Zoning Code further states that waivers of development standards through a CUP must meet the purpose of the CUP overlay district. The proposed amendment to increase building sign height does not provide for a well planned and well organized development and are out of character with the neighborhood and, therefore, do not meet the purpose of the CUP overlay district.

RECOMMENDATION: The requested 36'9" high building sign is out of character and scale with commercial development along Rock Road and other similar arterial street corridors within the community. Building signs at a height of 30 feet or less are consistently used by retail businesses in the "LC" Limited Commercial district throughout the community, and allowing building signs of a greater height would establish a precedent for constructing building parapets for signs that exceed the top of the building wall by 15 feet or more. Such signage is unnecessary and would lead to unsightly developments that resemble a billboard on top of each business. Building signs are intended primarily to identify individual businesses within a development to customers who have already entered the property. Building signs should only secondarily be used to identify the location of a business to travelers along the roadway. Instead, ground-mounted signage is permitted along the roadway for travelers to identify the appropriate entrance to the property for a business. Only along elevated highways, where ground-mounted signage is less effective and where building setbacks are typically greater, is it appropriate to use a taller building sign to convey the general location of businesses to travelers along the roadway. Accordingly, the Sign Code restricts taller building signs to highway-oriented zoning districts. Based upon these factors and the information available prior to the public hearings, planning staff recommends that the request be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The zoning of surrounding properties is "LC" Limited Commercial and "MF-18" Multi-Family Residential. Surrounding properties primarily are used for retail, restaurants, and apartments. The character of the area is that of a commercial and multi-family node at the intersection of two arterial streets. The proposed amendments are not consistent with the zoning, uses, and character of the neighborhood; rather, the signage requested is consistent with the character of property that is located along an elevated freeway with buildings on larger sites with greater building setbacks and uses that are of a greater intensity.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "LC" Limited Commercial and is suitable for the retail uses proposed by the applicant. Building signs are limited to 30-feet in height in the "LC" Limited Commercial zoning district, and such a building sign height is suitable for retail development on the subject property. Along Rock Road and in other locations throughout the community, "big box" stores with similar setbacks and orientation have adhered to the building sign height limit.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Permitting a 36'9" high building sign on the subject property would change the character of the area to that of a highway-oriented location where higher intensity uses are permitted. Currently the character of the area is that of low-intensity commercial development with most of the retailers serving specialty niches. Large scale retail businesses in the area are limited to only a few anchor businesses.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The City's Sign Code limits the height of building signs to 30 feet in the "LC" Limited Commercial District. The proposed 36'9" high building sign is 22.5% higher than permitted. The Unified Zoning Code permits an amendment to a CUP to allow signage that is not in conformance with the City's Sign Code. The Unified Zoning Code states that the purpose of a CUP is to provide well planned and well organized developments with a character that is appropriate to the neighborhood. The Unified Zoning Code further states that waivers of development standards through a CUP must meet the purpose of the CUP overlay district. The proposed amendment to increase building sign height does not provide for a well planned and well organized development and are out of character with the neighborhood and, therefore, do not meet the purpose of the CUP overlay district.

SCOTT KNEBEL, Planning Staff presented the staff report.

WARREN On the sporting goods store that is adjacent here, we did approve that?

KNEBEL Yes, it was approve for a height of 38 feet 6 inches. Which is almost two feet taller than requested for this sign.

MICHAELIS Scott, is there anything that the Sign Ordinance has to do with the height versus the setback ratio?

KNEBEL There is not in the Limited Commercial district. It just permits building signs at a height of 30 feet. I think there are a number of things in the Sign Code that could be fixed, but I am not sure that is going to happen or not.

WELLS There are other signs that are above the Ordinance height. Do you know which ones that they are referring to; the comments here in this letter?

KNEBEL I was not given that letter, so I am not able to comment on it.

MICHAELIS My guess is Mr. Wells, that is probably the Dick's Sporting Goods sign is going to be right south of here about 200 feet.

BARFIELD I think when they were here discussing the signage for the Sporting Goods store, they mentioned something about a sign on 21st.

KNEBEL I won't kid the Commission here. There have been variances granted by the Board of Zoning Appeals to permit signage that is taller than 30 feet in properties that are zoned Limited Commercial, but those have been limited to multiple story buildings, and they are smaller signs. They are not large retail signs, and they are on multiple story buildings, and they are not on buildings such as this where you are taking a one story building and building up a wall just for the purpose of installing a large sign. That is what the planning staff thinks is a bad idea.

BARFIELD I am going to go back to the theatre, and the comments that I made at that time when we talked about the sign for the theatre. Until we establish some consistency, we are always going to have these very same problems that we are going to be confronted with today. Somebody is always going to want an exception because somebody down the street or across town has an exception. We are going to have to establish guidelines, and we are going to have to stick to them. Otherwise you are going to continue to go through the same thing.

BISHOP The letter that we received said that the City issued Best Buy a Certificate of Occupancy with the sign mounted at the current height at 36 feet 9 inches, and made no mention of the fact that the sign was mounted too high, and did not comply with the City Ordinance. It is not fair to ask you to answer for Central Inspection, but did they share anything with you in terms of why they didn't catch that?

KNEBEL You probably don't even want to know the answer, they don't measure the height of the signs.

BISHOP They eyeball it, and that is it?

KNEBEL If you apply for a 25 foot high sign, they go out and look at it. If it looks like it is 25 feet, they take your word for it.

ROBERT W. KAPLAN, Kaplan, McMillan and Harris, for BEST BUY: There seems to be a little bit of a plaque of nonconformities of signs that have hit the Tallgrass Center. I want you to understand that Best Buy certainly did not believe that they were out of Code. They submitted the drawing. I have a copy of it, and they submitted the application. It was done through their architectural division. It was done through a Florida Sign Company that Best Buy was using at the time, and is now out of business. They felt that when the permit was issued for the sign, and the sign was installed that they were certainly in compliance with everything. Nobody likes the after the fact stuff, it is illegal now, approve it. That is not this situation. When they installed this sign, they had a permit for it, and it was approved by OC.I. The architect at Best Buy, Jacki Cook-Haxby, that authored the letter that Ms. Bishop alluded to said that they interpreted the 25 foot as meaning 25 feet to the bottom of the sign. The sign height could have been 30. I asked Jacki how did we get in the situation in the first place, because Best Buy doesn't go out and conduct illegal activity and then come in and ask for them to be sanctioned. She submitted the letter and the drawing. I have talked with Randy Sparkman at some length. I

think they just missed it. Randy and Dick Jonker in OCI, they have no problem with it at all, except they instructed me to go in and amend the Community Unit Plan to bring it into compliance.

BARFIELD They seem to take the position that just because the surrounding businesses have not complained about this sign that it shouldn't be an issue. They don't talk about the fact that it is a non-conforming sign.

KAPLAN You have to understand that is an architect layman talking, that is a lady in the facilities office of Best Buy in Minnesota speaking. She is not speaking as an lawyer or as a land use expert or as Commissioner, she is simply indicating that other people are doing it, and I am not asking you to justify it on the basis of somebody else. Although you did recently approve Dick's Sporting Goods, who found themselves in the same predicament, and I think it was even a larger sign. The City made a mistake.

BISHOP Why is this being done as an amendment to the CUP, rather than a Variance before the Board of Zoning Appeals?

KNEBEL The CUP's do allow modifications to signage regulations, either more restrictive or less restrictive. So were we to take to this through a Variance process, we did not feel like that was necessary since this property is already covered by a CUP and provides for that.

BISHOP This is cleaner and quicker.

KNEBEL And it is also consistent with what we did with the Dick's Sporting Goods, and the Theatre that we did this year.

MILLER Some of the CUP's specifically say that if you are going to make adjustments, they have to be done through a BZA. The others just say signs per Sign Code. The policy has been that if it doesn't specifically require it to go to BZA, we bring it here because, in the past, BZA Board members have refused to deal with changes in signs in the CUP's because they didn't feel like they were on the same level of understanding that they thought you would have in dealing with something in a Community Unit Plan. Where it is supposed to be a unified development with unified approaches to a whole parcel.

HENTZEN I like the idea that when we review that Sign Ordinance, and make it a little more clearer.

WARREN We have to have a Sign Ordinance that is strict; that everybody understands, and we don't need to deviate from it. I think this Board needs once in a while to look at circumstances, and this is one where I think it was 500 feet back or some large amount, and I think that does take consideration the idea that this is going to keep coming back before this Board. It doesn't bother me a bit. That is what this Board is all about. To use some judgment periodically when judgment is required.

MOTION: To approve the application except for their recommendation of denial.

WARREN moved, **MARNELL** seconded the motion.

WELLS What? The Sign Ordinance overrides the CUP doesn't it? Can you put the wording in the CUP that changes the Sign Ordinance?

KNEBEL For this property you can modify the signage requirements for this property through the CUP to make them more restrictive or less restrictive than the Sign Ordinance.

JOHNSON I know we have to have regulations, and I kind of look at the height where it doesn't have any relationship from where you are standing to look at it. It is like trying to go through a zoning case, and design a material that is going to be on a building. They are very similar. That is why I think you have to look at it on a case by case basis. I don't find it offensive, what you see here.

GAROFALO Was there any complaints about this sign?

VOTE ON MOTION: The motion carried (11-1) **BARFIELD** opposed.

KAPLAN The sign had been there a full year before the subject was ever broached, and then at that time I believe it was Dick Jonker in OCI who notified Best Buy that their sign was not within Code. Then I got the case sometime in the month of June, and visited with Randy Sparkman, and Planning and was advised that they wanted to do it by a CUP amendment.

BISHOP I appreciate the explanation of the reason for the CUP amendment and I think that goes some ways towards explaining that, because it is a CUP amendment, and because we have already approved another business with a higher than per CUP signage. We have kind of created two residences within that CUP that are first among equals within sign height. If other folks come within that CUP, and want additional higher signs, I don't see how we would have any ability to turn them down. I am going to support the motion. In terms of the Sign Ordinance in general, as a person who sat on a task force that met every Friday morning at 7 a.m. for two hours going over the Sign Code in order to revise the Sign Code, and then to see it go into a black hole, and not have anybody ever do anything with it, please don't talk to me about the Sign Code.

18. CON2002-00032 - Gary Ruedebusch, Inc. (owner) request a Conditional Use to allow printing and publishing, on property described as;

Lots 1, 3, 5 and the West 7.5 feet of Lot 7, on Maple, Maple Street Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located South of Maple and east of Meridian.

BACKGROUND: The applicant is requesting a Conditional Use for "Printing and Publishing, General" on a platted property located southeast of the Maple and Meridian intersection. The application area contains a 7,225 square foot (1935) commercial building that has zero lot line construction to the east and west boundaries; the north and south boundaries of the site have 27 and 20 feet of building setback (respectively) used for 18 on-site parking spaces. The entire site is paved with asphalt and concrete. The application area is a legal non-conforming site with respect to setbacks, compatibility setbacks, parking, screening, and landscaping. A bookbinding business has rented half of the building from the applicant for several years. Another portion of the building is used for a computer repair business, which does off-site and in-house repairs with little retail presence. A small balance of the building space is used for a one-chair barbershop, accessed from the alley, which has limited hours. Parking is located north and south of the building, all of these spaces back onto public right-of-way for egress. The applicant requested the Conditional Use for the entire building/site. If the Conditional Use request is approved, the book binding use could expand to the remainder of the building.

North of the application area, across Maple are "LC" zoned single-family residences; south of the application area, across an alley, is a "B" zoned multi-family building. East of the application area is an "LC" zoned single-family residence, and west of the application area, across Meridian, is an "LC" and "MF-29" zoned school.

The Unified Zoning Code (UZC) lists "Printing and Publishing, General" as a Conditional Use in the "LC" district; "Printing and Publishing, General" includes the use of bookbinding. The UZC does not prescribe any specific conditions for this use.

CASE HISTORY: The bookbinding tenant has operated at the application area for several years. Another tenant in the same building filed a complaint with the Office of Central Inspections (OCI) regarding exhaust from the bookbinding tenant's forklift. The bookbinding tenant has since converted to an electric forklift, and the tenant making the complaint has since left the building. As a result of the complaint, the application area received a violation notice from the Office of Central Inspections for operating a bookbinding business in the "LC" district without the appropriate Conditional Use.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	single-family residences
SOUTH:	"B"	multi-family residences
EAST:	"LC"	single-family residences
WEST:	"LC"	public school

PUBLIC SERVICES: The property is located at the intersection of Maple and Meridian, both streets are paved four-lane arterials with right turn lanes. This intersection carries 14,404 vehicles on an average day. The 2030 Transportation Plan projects average daily traffic to increase to 21,000. Maple has a 32-foot half-width right-of-way at the application area. Meridian has a 35-foot half-width right-of-way at the application area. Current standards would require 75 feet of half-street right-of-way. The current zero-lot-line building leaves no room for alternative site development options, and dedication of right-of-way would require taking the building along Meridian and the parking along Maple. The 2002-2011 Wichita CIP anticipates widening Maple at this location in year 2008. The property currently has one drive entrance from Maple (at a few feet from the intersection), one from Meridian, and alley access from the south side of the building. The application area is served with City water and sewer.

CONFORMANCE TO PLANS/POLICIES: The January 2002 amended "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the arterial corner, encompassing the application area, as "commercial".

The *Wichita-Sedgwick County Unified Zoning Code* has site development standards for new construction or major remodels which require minimum parking spaces, screening requirements, and compatibility setbacks. The structure on the application area was built when these requirements did not exist, and commercial buildings were built to cover the vast majority of their lots. Likewise, the City of Wichita Landscape Ordinance requires minimum landscaping which is nearly impossible to achieve on this site.

The adopted Delano Neighborhood Revitalization Plan identifies the Maple/Meridian intersection as a "secondary gateway" into the Delano Neighborhood district. The Delano plan proposes future low walls at the corners of the intersection with landscaping to achieve a gateway effect for the intersection. Any future work on the site requiring a building permit will be reviewed by Planning Staff to ensure compliance with the Delano Neighborhood Guidelines.

RECOMMENDATION: Planning staff finds that the proposed use is consistent with the Zoning Code intent of allowing Printing and Publishing, General in the "LC" district where the Conditional Use would be in character with the surrounding area. Planning staff finds that as a non-retail use, the proposed bookbinding is perhaps a better use for the constrained site than many permitted "LC" uses which would generate more traffic and require more parking. Planning staff feels that screening would help to mitigate any negative effects of this use on nearby residential neighbors, particularly the residential neighbor to the east. Because of the eastern boundary residential neighbor's driveway, and the backing configuration of the application area parking onto Maple, safety considerations would call for three-foot high screening at this location. Planning staff finds that the adopted Delano Neighborhood plan calls for "gateway" elements at this intersection, which could be supported by low landscaping at the intersection. Also, planning staff feels that dedication of access control from Meridian would reduce potential traffic conflicts generated by the requested use; the application area would still have access from Meridian via the public alley. The attached site plan, submitted by the applicant, demonstrates staff's added recommendations. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to: an updated site plan with parking lot screening to the east of the conditional use, closing of the driveway opening onto Meridian, narrowing of the opening on Maple to 24 feet, and extension of sidewalks around the site; subject to dedication of access control from Meridian; and subject to the following conditions.

1. Development and maintenance of the site shall be in conformance with the approved site plan.

2. The applicant shall submit a landscape plan, to be approved by the Planning Director, which will include low landscaping at the Maple and Meridian intersection.
3. The applicant shall provide three (3) foot tall screening to the east of the parking lot on Maple.
4. If conditions have not been met within one year of approval, the Conditional Use shall be null and void.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the surrounding area: Property surrounding the application area is zoned "LC" and "B", and used for a combination of single-family residential, multifamily residential, commercial, and institutional uses. As an older commercial area, a mix of uses, to include the requested Conditional Use is in character. Provision of landscaping at the Maple/Meridian intersection will work towards achieving the desired character described in the adopted Delano Neighborhood Plan.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "LC" Limited Commercial, which is primarily for retail uses. As a non-retail use, the requested Conditional Use may be more appropriate for the application area than many permitted uses in the "LC" district.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: With the appropriate conditions, to include screening, landscaping, and access control, the proposed Conditional Use should have no affect on surrounding properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested Conditional Use is in conformance with the *Wichita-Sedgwick County Comprehensive Plan* and the *Wichita-Sedgwick County Unified Zoning Code*, landscaping at the Maple/Meridian intersection will bring the request into conformance with the adopted Delano Neighborhood Plan.
5. Impact of the proposed development on community facilities: The proposed use should generate less traffic than many permitted uses in the "LC" district. The proposed Conditional Use should therefore have no affect on community facilities.

JESS MCNEELY, Planning Staff presented the staff report.

GAROFALO Why is this type of business here? Is it considered industrial, and not allowed by right?

MCNEELY Yes, although "printing and publishing general" is a Conditional Use from the Code, it also includes bookbinding. He does not have a paper mill going on here.

GARY RUEDEBUSCH I bought this building back in April 2002. My tenant, Ken Roberts, came to me in November 2001. Historically, this has been a retail building with a series of retail tenants, and when I bought it, it had four tenants in the building. Just recently, Ken is wanting to take over the middle space so that would leave me with three tenants. He would have a little more than half of the space of this building. I was assured he had asked the City if he was in compliance. He came here from a business in Towanda, and he was told that it wasn't a problem. He was cited for a sign problem, which I am sure he has taken care of. The problem that I have got is, I have 18 spaces for parking, and two of those spaces in the back of the building are in front of overhead doors, so that leaves me 17 spaces. The City wants to take out five of my spaces in front of the building, so this leaves me with 11 spaces for a four tenant building. I don't see how I can get by with 11 spaces. I would gladly do the screening and landscaping on the existing pad, but I can't afford to give up any parking. Tenants come and go, and I am sure that next year I won't get that parking back.

MOTION: Approval subject to staff comments, with planning staff to work out the parking with the applicant.

BARFIELD moved, **BISHOP** seconded the motion.

BISHOP I would like some clarification as to which of the conditions, if any, maybe just the approved site plan is the only one that addresses the parking space question and whether there is some room there. Is it because of moving the driveway that is to close?

KROUT Jess, did you talk to Traffic Engineering about this?

MCNEELY No, I have not showed this to Scott Logan.

KROUT I think that the site plan that was drawn, it was kind of a mix and match, and it wasn't really possible to get as many spaces as was shown on the original site plan. I see that we don't have the original site plan attached to the staff report. I would ask you to allow the planning staff to work with the applicant and the owner and to try to work something out. I think the sketch that you saw would be an ideal sketch in terms of traffic circulation, but I can see the concern with losing so many spaces. I guess right now they are "head in" spaces, but the drawing that he gave us showed both head in spaces and different kind of spaces right at the corner. I think it really is important for us to close that driveway that is right at the corner. But as far as the head in spaces, beyond that I think we can work with the applicant so that he doesn't lose so many spaces as this sketch shows.

MICHAELIS Are we approving the Conditional Use for the "Printing and Publishing", subject to the site plan?

KROUT Conditional Uses have to have site plans that are part of the conditions.

BISHOP Development and maintenance is one of the conditions, that is why I am asking for clarifications. I am satisfied that staff can work it out, and if part of that means having to maybe cut back some of the landscape screening in order to allow as many parking spaces as possible. I can understand the concern about the building that the owner wishes to remain relatively flexible for possible future tenants. About that issue about that bookbinding business not fitting within "LC", is it possible that is a type of business that the technology is such that we need to look at the Zoning Code?

VOTE ON MOTION: The motion carried (12-0).

ANDERSON I had couple of question as to the material on the annexation that was in our packet for the northeast water storage tank site. First question, apparently this has already gone to the City Council. Is there any provision for the Planning Commission to make recommendations on anything relative to these kind of annexations?

KROUT Yes, if you got it sooner.

ANDERSON What is the legal requirement?

KROUT There is no legal requirement for us to provide you with notice. There is a requirement for a recommendation except when the City or any City is unilaterally annexing; meaning they are annexing property without that property owners permission.

ANDERSON The City had acquired this site some time ago. What area is this water facility going to serve?

KROUT That depends on whether Wichita or Bel Aire annexes the area in between first.

ANDERSON What is Wichita betting on?

KROUT If it is up there, Wichita is betting on Wichita.

ANDERSON I think it would be nice to have this information in advance, rather than after the fact. This was for the City Council meeting for July 16th.

KROUT In order to do that, it would probably slow up the process of annexation, but I will be glad to ask the Council if they are willing to do that.

BISHOP They meet weekly and we meet twice a month.

ANDERSON It has an impact on a lot of decisions of this Board.

KROUT Probably the best place for the Planning Commission to provide input would have been a couple years ago when the Water Masterplan indicated this area as a site for future water tank to serve a future growth area. It may have come to you in the context of a CIP issue. I think that we still will probably have a Conditional Use that you will have to approve once they have it designed.

MICHAELIS I will publicly apologize to Mr. Hentzen because I really didn't intend to cut him off. I just wanted to put your discussion in the appropriate place.

HENTZEN I accept that.

The Metropolitan Area Planning Department informally adjourned at 3:15 p.m.

State of Kansas)
Sedgwick County) ss

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2002.

July 25, 2002
Page 45

Marvin S. Krout, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)